

group over the approval of the construction of an industrial barge facility, arguing the Corps doesn't have the authority to offer the relief the group is seeking.

DC Circ. Halts Biofuel Challenge To EPA Aircraft GHG Rule

The D.C. Circuit on Monday held in abeyance a coalition of biofuel and agricultural industry groups' challenge to the U.S. Environmental Protection Agency's recent finding that greenhouse gas emissions from aircraft endanger human health and the environment.

US Unveils Ambitious Climate Goals At UN Forum

The White House released at a United Nations meeting Wednesday an ambitious plan to "deeply decarbonize" the U.S. economy by 2050, amid growing skepticism that President-elect Donald Trump will carry on the Obama administration's commitment to climate action.

DOE Cancels Oil And Gas Leases In Mont. Tribal Area

The U.S. Department of the Interior on Wednesday said that it has canceled 15 oil and gas leases in the Badger-Two Medicine region of Montana in collaboration with Devon Energy Corp. and the Blackfeet Nation, which considers the land sacred, nearly eliminating all such leases in the area.

DOE Approves US-Canada Renewable Power Line

Minnesota Power's 224-mile cross-border transmission line received a presidential permit from the U.S. Department of Energy on Wednesday, the final major approval it needed before construction could begin on the project, which will bring renewable energy from Canada's hydropower resources to customers in Minnesota.

Groups Seek Full Record Behind FDA's GMO Salmon Approval

Spotify Technology SA
Syngenta AG
T-Mobile USA Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Bancorp
U.S. Chamber of Commerce
United Steelworkers
Verizon Communications
Wayfair LLC
Wells Fargo & Co.
Yahoo! Inc.
Zeughauser Group LLC

GOVERNMENT AGENCIES

Army Corps of Engineers
Blackfeet Nation
Bureau of Land Management
Centers for Medicare & Medicaid Services
Congressional Budget Office
Consumer Financial Protection Bureau
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Emergency Management Agency
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Immigration and Customs Enforcement
Internal Revenue Service

The U.S. Food and Drug Administration is holding back documents related to its approval of AquaBounty Technologies Inc.'s genetically engineered salmon for human consumption, a coalition of groups challenging the agency's decision told a California federal court Tuesday.

HEALTH & LIFE SCIENCES

Senator Wants DOJ To Testify At EpiPen Rebate Hearing

The chairman of the U.S. Senate Judiciary Committee on Tuesday urged the U.S. Department of Justice to change its mind and send someone to testify at an upcoming hearing looking into a settlement the DOJ reached with Mylan NV over underpaid Medicaid rebates.

REAL ESTATE

HUD Passes New Rental Assistance Rules, Skips NYC

The U.S. Department of Housing and Urban Development said Tuesday it has changed the way it calculates rental subsidies for some Section 8 voucher holders in an effort to help tenants move to more affluent neighborhoods, but the changes will not apply to New York City after objections were raised by local politicians.

EMPLOYMENT

Injunction Ruling Expected Next Week In DOL Overtime Case

A Texas federal judge said he'll decide by Nov. 22 whether to stop the U.S. Department of Labor's new overtime rules from taking effect as scheduled on Dec. 1, as 21 states and dozens of business groups push for an end to what they say is an unlawful change.

Union, NLRB Urge DC Circ. To Uphold Joint Employer Rule

The National Labor Relations Board and Teamsters Local 350 have each filed their final briefs with the D.C. Circuit backing the board's

Little River Band of Ottawa Indians
Mashantucket Pequot Tribal Nation
Mohegan Tribe
NATO
National Institute of Standards and Technology
National Labor Relations Board
National Security Agency
Quinault Indian Nation
Saginaw Chippewa Indian Tribe of Michigan
Securities and Exchange Commission
U.S. Army
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Housing and Urban Development
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. Senate
U.S. Supreme Court
U.S.-China Economic and Security Review Commission
United Nations

recently revised standard for determining joint employers.

Pa. Judges Want Contested Retirement Amendment Left Alone

A group of Pennsylvania state judges on Monday backed State Secretary Pedro Cortes in his defense of a recently passed amendment that increases a local judge's mandatory retirement age from 70 to 75, arguing voters agreed to the change and there is no reason to undercut their decision.

Virgin Islands Govt. Salary Law Can't Stiff Unions: 3rd Circ.

The Virgin Islands wrongly compromised government employees' collective bargaining agreements by enacting a law that unilaterally reduced salaries, the Third Circuit said Tuesday, overturning a previous decision that said the law was necessary even though it conflicted with established union contracts.

PRIVACY & CONSUMER PROTECTION

CFPB Launches Inquiry Into Consumer Financial Data Access

The Consumer Financial Protection Bureau on Thursday launched an inquiry into the problems consumers face in getting access to and sharing their digital financial information with different financial firms.

Commerce Chief Stumps For Privacy, Trade Partnerships

The head of the U.S. Department of Commerce on Wednesday pushed the Trump administration to work with private companies to tackle growing cyberthreats and the debate over law enforcement access to encrypted data — and not to give up on the Trans-Pacific Partnership.

Conservative Group Beats Calif. AG's Bid To Get Donor List

A California federal judge on Thursday granted conservative advocacy group Thomas More Law Center's bid to prevent California's attorney general from obtaining its donor list, ruling after a bench trial that allowing the donor list handover would violate the group's free speech rights.

FCC Won't Exempt Mortgage Servicing Calls Under TCPA

Mortgage servicers are banned from robocalling homeowners without express prior consent, the Federal Communications Commission ruled Tuesday, because their needs don't override consumers'.

PRODUCT LIABILITY

Sens. Call For Action On GMO Approvals At US-China Summit

As the Obama administration prepares for its last high-level trade summit with China, a group of 37 senators, including the leaders of the Senate Agriculture Committee, demanded on Tuesday that the president pressure Beijing to expedite its approval process for genetically modified crops.

DOJ Rolls Out Baseline Requirements for 'Smart Gun' Tech

The U.S. Department of Justice on Wednesday announced that it had released voluntary, baseline specifications that outline the minimum technical requirements that law enforcement agencies can expect from "smart gun" technology, as part of the Obama administration's efforts to combat gun violence.

GOVERNMENT CONTRACTS

Pa. Should Repay \$2.4M Disaster Fund Windfall, Report Says

An audit released Wednesday recommended that the Federal Emergency Management Agency recoup \$2.4 million in profits earned by Pennsylvania after investing money earmarked

for pending disaster relief projects in the mid-2000s.

INTERNATIONAL TRADE

Congress Urged To Block Certain Chinese Investments In US

In its annual address to Congress, a commission tasked with monitoring U.S.-China relations said that Chinese companies' drive to acquire U.S. assets is a "political concern," and urged the Committee on Foreign Investment in the United States to block acquisitions by Chinese state-owned enterprises.

EC Eyes 12 Trade Pacts' Potential Effects On Agriculture

The European Commission said Tuesday that once 12 expected trade agreements go into effect, by 2025, the European Union's beef and rice sectors will likely suffer while the dairy and pig sectors should see gains, although European officials acknowledged that many of the pacts are now under political attack.

BANKRUPTCY

Puerto Rico Fights Off Lift Of Stay In Bondholder Suits

A Puerto Rico federal judge on Tuesday declined to lift a stay on claims by bondholders and an insurer for the commonwealth in litigation seeking payment on hundreds of millions of dollars in obligations that were halted through executive orders, saying that allowing the claims could be detrimental to debt restructuring discussions with creditors.

IMMIGRATION

'Crime Of Violence' Clear Term, Gov't Tells Supreme Court

The federal government urged the U.S. Supreme Court Monday to overturn a Ninth Circuit ruling that the Constitution's "prohibition of vagueness in criminal statutes" applies to

statutory provisions used to deport immigrants convicted of violent crimes.

NATIVE AMERICAN

Senate Urged To Exempt Tribes From NLRB Jurisdiction

A coalition of 130 Native American tribes, tribal corporations and intertribal associations urged the U.S. Senate on Tuesday to include a bill to exempt casinos and other tribal businesses from National Labor Relations Board jurisdiction in any "must-pass" legislation it considers as its current session winds down.

TELECOMMUNICATIONS

Broadcast Group Exec Calls For Ease Of Ownership Rules

The National Association of Broadcasters' chief executive, at a Tuesday luncheon sponsored by the nonprofit Media Institute, urged the Federal Communications Commission to lift media ownership restrictions.

House Panel Urged To Up Rules For The Internet Of Things

Cybersecurity experts urged a House panel Wednesday to take steps ranging from direct federal oversight to increased industry standards to help secure devices in the so-called internet of things, which has increasingly been used to facilitate cyberattacks.

FCC Mustn't Delay Post-Auction Transition, Carriers Say

Broadcasters are trying to get in the way of wireless use of spectrum after the broadcast incentive auction, the Competitive Carriers Association has told the Federal Communications Commission, saying the agency should stick to a 39-month deadline to clear the airwaves.

FCC's Rosenworcel Pressed To Act On Set-Top Box Plan

The office of FCC Commissioner Jessica Rosenworcel was hit again the day after the election with lobbying to unlock consumer set-top boxes, with lobbying group Free Press saying it is disappointed the Federal Communications Commission failed to vote on the rules in September that it also has questions about details of the proposal.

PEOPLE

Zuckerman Spaeder Nabs Obama's Ex-Top Health Atty

Zuckerman Spaeder LLP has scooped up the Obama administration's former top lawyer for health care, who predicted Wednesday that Republicans will tread lightly when overhauling the Affordable Care Act and that drugmakers will eventually get clarity regarding off-label promotion.

EXPERT ANALYSIS

OPINION: Texas Must Adhere To The 8th Amendment

When *Moore v. Texas* is argued on Nov. 29, the U.S. Supreme Court will have an important opportunity to reject an unscientific state-law standard that allows the wrongful and unconstitutional execution of persons with intellectual disability, according to Mark Earley, former attorney general of Virginia, and Mark White, the 43rd governor of Texas.

Make College Great Again: Higher Education In The Trump Era

With the election of Donald Trump, colleges and universities should prepare for a very different U.S. Department of Education. And not just for-profit schools stand to benefit. Let's look to the priorities of the GOP in Congress to see what may be in store, say Kenneth Salomon and Christopher Murray of Thompson Coburn LLP.

What Trump's Election Means For The ACA

President-elect Donald Trump campaigned on an unspecified promise to "repeal and replace the Affordable Care Act," but its future will not be dictated by the new White House team. Rather, it will be the result of a process factoring in the policy preferences and relative political power of Republicans and Democrats in Congress, the Trump administration, and health care stakeholders, says Philo Hall of Epstein Becker & Green PC.

FDA Draft Sheds Light On Software As A Medical Device

Companies that develop software for medical uses should be aware that the U.S. Food and Drug Administration has issued draft guidance classifying the endless variety of software as a medical device, and imposing risk-based criteria for evaluating the safety and effectiveness of such software. But a lack of detail on certain issues may be confusing for manufacturers, say Barry Boise, Sharon Klein and Katrina Long of Pepper Hamilton LLP.

Cybersecurity Forecast: Trump's 'Warfare Of The Future' Plans

During the campaign, President-elect Donald Trump did not extensively outline a cybersecurity strategy, but we can gain some insight into his agenda from information provided on his website and from his partnerships with both political and nonpolitical figures, says Meaghan Pedati of McGuireWoods LLP.

Will FCC Privacy Rules Create Challenges For ISPs?

The Federal Communications Commission's new rules limit internet service providers' usage of consumer data, which will impact their profits and pressure them to increase fees for users. However, the incoming Republican administration may ignore or even undo these rules, says John F. Stephens of Sedgwick LLP.

A Primer On The Presidential Appointee Vetting Process

With the election over, the process of selecting individuals to fill the next administration's key appointed positions is quickly shifting into high gear. For those who are called to serve in such positions, the process entails extensive vetting of professional credentials and a host of personal background check issues, say attorneys with Covington & Burling LLP.

LEGAL INDUSTRY

BigLaw Dilemma: Too Many Lawyers, Too Little Work

BigLaw is struggling with an overabundance of lawyers as demand for its services remains flat, a phenomenon experts say not only impacts firms' bottom lines but also hinders their efforts to recruit and retain top talent.

McCarter & English First-Year Atty Pay Jumps To \$150K

East Coast law firm McCarter & English LLP will increase the pay of first-year associates beginning in January, from \$135,000 per year to a minimum of \$150,000, to help compete with the trend of rising salaries across the country, the firm said Tuesday.

Rainmaker Q&A: Ogletree Deakins' Joseph Clees

Aspiring rainmakers must invest their own time learning their client's industry and business, including personal visits whenever possible. I've done everything from pilot a client-made helicopter (badly) to picking lettuce at a client facility — and enjoyed it all immensely, says Joseph Clees, shareholder at Ogletree Deakins Nash Smoak & Stewart PC.

Rainmaker Q&A: Stroock's Brett Lawrence

We tell our new associates one thing: Treat everyone senior to you as if they're your client. Mid-level associates, senior associates, partners — they're all your clients. Your job is to make their lives easier. If you get into the habit

of doing that, then you'll do the same thing for your external clients, says Brett Lawrence, partner with Stroock & Stroock & Lavan LLP.

JOBS

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From: Public Policy Law360
Sent: Monday, November 21, 2016 6:27 AM
To: Rep48
Subject: CRA Gives Trump Potent, But Risky, Tool To Nix Climate Regs



Monday, November 21, 2016



TOP NEWS

Analysis

CRA Gives Trump Potent, But Risky, Tool To Nix Climate Regs

President-elect Donald J. Trump and the Republican-controlled Congress are poised to begin dismantling President Barack Obama's environmental legacy by using the Congressional Review Act to quickly roll back climate change regulations, but experts warn that the CRA is a blunt tool that's been sparingly used because it can carry big political risks.

Analysis

Sessions' History Is Short But Not Silent On Antitrust

Sen. Jeff Sessions, R.-Ala., may be best known for his conservative stances on immigration and civil rights, but the former prosecutor and longtime lawmaker has waded into antitrust issues ranging from baseball's exemption to generic drug prices over the years. Here, Law360 looks at the competition matters that have piqued the interest of Donald Trump's pick for attorney general.

State Regulators Aim To Fill Trump's Vacuum

With many expecting the incoming Trump administration to dial back on his predecessor's

LAW FIRMS

A&L Goodbody
Addleshaw Goddard
Akerman
Alston Hunt
Archer & Greiner
Arnold & Porter
Baker Donelson
Ballard Spahr
Bancroft PLLC
Bays Lung
Bracewell
Bronster Hoshibata
Bryan Cave
BuckleySandler
Carlton Fields
Cinnamon Mueller
Covington & Burling
Crowell & Moring
DLA Piper
Davis Wright Tremaine
Dean Ringers
Debevoise & Plimpton
Dentons
Dewey & LeBoeuf
Dorsey & Whitney
Dowd Bennett

enforcement of financial regulations, attorneys general and financial regulators from states that did not support Trump are expected to step in where they can to police financial markets.

Analysis

What You Should Know About The DHS Job Flexibility Rule

A new rule on job flexibility for foreign workers clocks in at a whopping 336 pages, containing helpful items including a two-month grace period between jobs and ways for immigrants to keep their spot in the green card line. Here, experts offer an overview of the provisions in the final rule immigration attorneys should know about.

US Senate Passes Northern Border Security Review Bill

The U.S. Senate on Wednesday passed a bill that would require the U.S. Department of Homeland Security to conduct a threat assessment of the border between the U.S. and Canada.

Trump Taps Jeff Sessions To Be Attorney General

President-elect Donald Trump announced on Friday that he has chosen Sen. Jefferson Sessions, R-Ala., to become the next U.S. attorney general.

BANKING & SECURITIES

SEC Chair Calls For Further Expansion Of Agency Power

Departing U.S. Securities and Exchange Commission Chair Mary Jo White praised the agency's expansion of its enforcement efforts during her tenure in a speech Friday, but urged lawmakers to consider new laws that could further strengthen the agency's power after she steps down in January.

State GOPs Ask 6th Circ. To End Muni Pay-To-Play Rule

Earthjustice
Epstein Becker Green
Farrell Fritz
Fox Rothschild
Frost Brown Todd
Gibson Dunn
Greenberg Traurig
Greenspoon Marder
Grove Eisen
Haynes and Boone
Hilyard Bogan
Hogan Lovells
Holland & Knight
Hooper Lundy
Jones Day
K&L Gates
Kamer Zucker
Kaye Scholer
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Knobbe Martens
McCorriston Miller
Merchant & Gould
Michael Best
Mintz Levin
Morgan Lewis
Morrison & Foerster
Organ Cole
Pinsent Masons
Priddy Cutler
Pyle Rome
Quarles & Brady
Reed Smith
Seward & Kissel
Sidley Austin
Simmons & Simmons
Siskind Susser

Several state Republican parties have urged the Sixth Circuit to upend pay-to-play restrictions on municipal advisers approved by the U.S. Securities and Exchange Commission, saying the rules violate the First Amendment and that the SEC didn't have the authority to approve them.

CFTC Urged To Hold Back 'Controversial' Rules

The House Agriculture Committee's Republican chair on Friday urged the U.S. Commodity Futures Trading Commission to hold off on implementing "controversial" proposals before President-elect Donald Trump takes office in January.

The Fed Broadens Post-Employment Restrictions

The Federal Reserve Board is more than doubling the number of people covered by a rule that bars certain senior staff members from leaving a Federal Reserve Bank and going right to work for a bank they had supervised, the Fed announced Friday.

ENERGY & ENVIRONMENTAL

White House Unveils Environmental Regulatory Agenda

The White House on Thursday released its environmental regulatory agenda for the coming year, and outlined policy aspirations that appear unlikely with the recent election of Donald Trump, who has articulated a very different vision for the U.S. Environmental Protection Agency.

EPA Gives Flint To-Do List Before Switching Water Again

The U.S. Environmental Protection Agency on Friday amended its emergency order to Flint, Michigan, in the wake of the city's lead-tainted drinking water crisis, outlining steps the city

Skadden
Snell & Wilmer
Squire Patton Boggs
Sullivan & Worcester
Telecommunications Law
Professionals
Wiley Rein

COMPANIES

AT&T Inc.
Align Technology, Inc.
America Fujikura Ltd.
American Bar Association
American Civil Liberties Union
American Clinical Laboratory
Association
American Federation of Labor and
Congress of Industrial
Organizations
American Immigration Council
American Immigration Lawyers
Association
American Petroleum Institute Inc.
Apple Inc.
BASF SE
Burford Capital LLC
CPA Global
Citrin Cooperman
Dow Chemical Co.
Electronic Frontier Foundation
Facebook
Franklin Data Ventures Inc.
Google Inc.
International Brotherhood of
Teamsters
JPMorgan Chase & Co.
Johnson & Johnson
Konica Minolta Holdings
LinkedIn Corp.
Lyft Inc.

must complete before implementing a switch to a new drinking water source.

Maine's Suit Against EPA Over Tribal Water Regs Trimmed

A federal judge on Friday tossed a claim from the state of Maine's suit seeking to compel the U.S. Environmental Protection Agency to recognize the state's power to regulate tribal waters, saying the agency was required to review but not necessarily approve state water standards under the Clean Water Act.

Oil Industry, ND Spurned From EPA Waste Regs Suit

A D.C. federal judge on Friday rejected a bid by industry groups and North Dakota to step into a fight between the U.S. Environmental Protection Agency and environmental groups over whether the agency needs to update its regulations for waste disposal from oil and gas operations.

Obama Offshore Drilling Plan Closes Off Atlantic, Arctic

The Obama administration on Friday unveiled the final version of its five-year offshore drilling plan, which puts the Atlantic and Pacific Oceans off limits and shuts off drilling in new regions of the Arctic Ocean, handing a victory to environmentalists and a defeat to the U.S. oil industry.

9th Circ. Buries 3 Hawaii Counties' GMO, Pesticide Regs

The Ninth Circuit on Friday rejected regulations in three Hawaii counties governing pesticides and genetically modified crops, agreeing with agriculture companies and industry groups that the local rules are preempted by state and federal laws.

FDA Pauses Stronger Lab Test Oversight

The U.S. Food and Drug Administration won't use the final days of the Obama administration to finalize its controversial proposal to begin

Macy's Inc.
Major League Baseball Inc.
Microsoft Corporation
Minnesota Twins
Monsanto Company
National Consumer Law Center
National Immigration Law Center
Natural Resources Defense Council
New York Times Co.
PayPal Inc.
PricewaterhouseCoopers
Pulmonx Corp.
Royal Dutch Shell PLC
Ryman Hospitality Properties Inc.
San Francisco Giants
Sierra Club
Sinclair Broadcast Group, Inc.
Spotify Technology SA
St. Louis Metropolitan Taxicab Commission
State Bar of California
Syngenta AG
Teva Pharmaceutical Industries Limited
Twitter Inc.
Uber Technologies Inc.
United Food and Commercial Workers International Union
Verizon Communications
XO Communications LLC
eBay Inc.

GOVERNMENT AGENCIES

Animal and Plant Health Inspection Service
Bureau of Indian Affairs
Bureau of Industry and Security
Bureau of Land Management

regulating lab tests as medical devices, a source confirmed Friday.

HEALTH & LIFE SCIENCES

Adapt Pharma Urges FDA Hurdles For Teva Overdose Generic

Adapt Pharma wants the U.S. Food and Drug Administration to require Teva's generic version of overdose drug Narcan to undergo special scrutiny in order to win approval, according to a newly released citizen petition.

TRANSPORTATION & INFRASTRUCTURE

Port Authority Scores Win In AAA Toll Hike Dispute

The Port Authority of New York and New Jersey scored a win in a suit alleging its 2011 plan to raise tolls was inflated to impermissibly include capital costs for other projects, after a federal judge ruled Friday that the tolls didn't discriminate against interstate commerce and weren't excessive.

St. Louis Cabbies Insist Uber Stole Future Business

St. Louis taxi drivers told a Missouri federal judge Thursday that they've sufficiently alleged Uber has crushed their future business prospects by intentionally flouting city regulations requiring all for-hire drivers to get fingerprinted and obtain commercial drivers' licenses to make the ride-hailing giant more appealing to riders.

Judge Urged To Ax Unequal Taxi, Ride Hailing Regs Suit

The Philadelphia Parking Authority urged a federal judge on Thursday to dismiss a lawsuit alleging that taxi companies in the city had suffered irreparable business damage after ride-hailing services such as Uber and Lyft had

Bureau of Ocean Energy Management
Centers for Medicare & Medicaid Services
Central Intelligence Agency
Commodity Futures Trading Commission
Congressional Research Service
Consumer Financial Protection Bureau
Defense Intelligence Agency
Department of Commerce
Drug Enforcement Administration
Employment and Training Administration
European Commission
Executive Office for Immigration Review
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Reserve Bank of NY
Federal Reserve System
Federal Trade Commission
Financial Conduct Authority
Florida Department of Highway Safety and Motor Vehicles
Food and Drug Administration
Government Accountability Office
Health Resources and Services Administration
Internal Revenue Service
International Trade Commission
Municipal Securities Rulemaking Board
Narragansett Indian Tribe
National Aeronautics and Space Administration
National Institute of Standards and Technology

been allowed to operate largely unchecked in the city.

REAL ESTATE

5th Circ. Won't Rehear Macy's Bargaining Unit Ruling

A split full Fifth Circuit on Friday declined to rehear a panel's ruling that backed the certification of a collective bargaining unit for workers at a Macy's department store in Massachusetts and that upheld a relevant National Labor Relations Board standard.

EMPLOYMENT

DOL Watchdog Outlines Host Of Challenges Facing Agency

The U.S. Department of Labor faces an uphill battle on multiple fronts in the coming years, including preventing discrimination against workplace-safety whistleblowers, guarding its information systems and keeping violence out of its local job training centers for at-risk youths, according to a report released Thursday.

Part Of Ky. Right-To-Work Law Valid, 6th Circ. Says

The Sixth Circuit ruled Friday that a portion of a Kentucky county's right-to-work ordinance that bars employers from requiring union membership is not forbidden by the National Labor Relations Act, while also concluding that ordinance's hiring-hall and dues-checkoff provisions are preempted by the NLRA.

No Circuit Split Over Tip Pool Rule, Workers Tell Justices

Casino workers Friday urged the Supreme Court to refuse to hear an appeal from Las Vegas casino owner Steve Wynn over a Ninth Circuit ruling on the tip pooling rule, arguing the district conflict claimed by Wynn does not exist.

PRIVACY & CONSUMER PROTECTION

National Labor Relations Board
New York Attorney General's
Office

New York State Department of
Financial Services

Occupational Safety and Health
Administration

Office of the Comptroller of the
Currency

Pension Benefit Guaranty Corp.

Port Authority of New York & New
Jersey

Securities and Exchange
Commission

Texas Attorney General's Office

U.S. Army

U.S. Customs and Border
Protection

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Homeland
Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Environmental Protection
Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

United Nations

Lawmakers Want More Time To Mull Warrant Rule Expansion

A bipartisan group of federal lawmakers moved on Thursday to postpone the looming implementation of a judicial rule change that would expand courts' ability to issue warrants for access to electronic communications by floating a legislative proposal that would give Congress until July to address the controversial amendment.

EU To Press Internet Providers On Data Access, Official Says

The European Commission is working on a proposal that would push internet service providers to work more closely with law enforcement to provide access to key digital evidence, according to a top commissioner who also called on businesses to cooperate with the government to help fortify systems against cyberattacks.

11th Circ. Urged To Revive Privacy Suits Over Fla. Driver Info

A Florida couple made a second appearance before the Eleventh Circuit on Friday to argue that a lower court wrongly dismissed cases they brought against local governments and their workers claiming their personal information was improperly accessed hundreds of times through state driver and motor vehicle records.

INTERNATIONAL TRADE

Azevêdo Frets Over Sluggish Pace Of New WTO Talks

World Trade Organization Director-General Roberto Azevêdo said Thursday that he is concerned about a lack of engagement among delegations as they work to craft a new negotiating agenda for the organization, particularly in areas like agricultural and fisheries subsidies.

Agencies Tweak Arms Export Rules For Aircraft, Engines

The U.S. departments of State and Commerce issued a pair of final rules Friday intended to clarify and adjust which aircraft, gas turbine engines and related equipment are subject to export control regulations as defense items.

US Wood Producers Take Aim At Chinese Imports

A U.S. industry group on Friday asked the Obama administration to slap hefty remedial tariffs on imports of hardwood and decorative plywood, alleging that the merchandise has been illegally subsidized and sold in the U.S. market at unfairly low prices.

IMMIGRATION

Detainments A 'Vital' Part Of Immigration Law, Justices Told

The federal government has doubled down on its efforts to overturn a Ninth Circuit ruling that certain immigrants are entitled to automatic bond hearings following six months of detention, saying immigrant detention is vital and controlling law proves the three-judge panel got it wrong.

Executive Action Suit Pause Sought Until Trump Inauguration

A case in Texas challenging President Barack Obama's executive actions on immigration should be halted until after President-elect Donald Trump is inaugurated, 26 states and the federal government said on Thursday.

NATIVE AMERICAN

RI Tribal Council Says Ousted Leader Won't Let Go Of Power

The Narragansett Indian Tribe urged a Rhode Island federal court Thursday to validate a tribal council election and block the tribe's chief sachem, allegedly removed by a council vote, from spending the tribe's funds or otherwise continuing to act as the tribe's leader.

TELECOMMUNICATIONS

Analysis

Top 4 Groups Lobbying The FCC

The Federal Communications Commission may now be moving into a period of slowed action on major policy issues, but companies and trade associations have continued to make their case over the last month on topics such as rolling out telecom services, mergers and reform of the business data services market. Here, Law360 looks at the top organizations lobbying the FCC in the past month.

FCC Says TCPA's Autodialing Restrictions Apply To Texts

The Federal Communications Commission on Friday warned that autodialed text messages, known as robotexts, are subject to the limits placed on automated calls by the Telephone Consumer Protection Act, which the agency expanded last year in a move that drew ire from businesses and spurred a D.C. Circuit challenge.

FCC Channel Shift Plan Too Rigid, Broadcaster Says

The Federal Communications Commission must abandon its rigid approach and unrealistic timetable for migrating broadcast stations to new channels following auctions to allocate current broadcast spectrum to wireless providers, a Maryland broadcast group told the commission in a filing on Tuesday.

DC Circ. Rejects FCC Rule On VOIP Switching Charges

The D.C. Circuit reversed a Federal Communications Commission ruling that retroactively required traditional carriers to pay switching charges to local phone companies for over-the-top voice-over-internet-protocol calls, agreeing Friday with AT&T Inc. that the commission provided insufficient reasoning for its decision.

2 Senate Dems Drop Hold On FCC Reappointment

Democratic Federal Communications Commissioner Jessica Rosenworcel cleared a barrier to her reappointment put up by her own party when Democratic Senators Ed Markey and Ron Wyden on Friday withdrew holds they had placed on her nomination after major items were pulled from the agenda of Thursday's FCC meeting.

PEOPLE

Health Hires: Merchant & Gould, Davis Wright, Greenspoon

Intellectual property firm Merchant & Gould PC has added a medical device partner from Dorsey & Whitney LLP; Davis Wright Tremaine LLP is expanding its health care group in Los Angeles with a payments-focused partner from Hooper Lundy & Bookman PC; and Greenspoon Marder PA is launching a cannabis law practice group in Oregon.

EXPERT ANALYSIS

Tax Policy In The Trump Era: Part 2

Nearly three decades have passed since the last major overhaul of the U.S. tax code. Republican and Democratic policymakers agree (often for different reasons) that reform is needed. In the second of a three-part series, attorneys with Squire Patton Boggs consider the prospects for reform of business and individual tax policy, and of the U.S. system of international taxation.

BLM Final Rule Streamlines Renewables On Public Lands

Last week, the Bureau of Land Management issued its final rule governing solar and wind energy on public lands, creating a new program that uses competitive leasing and incentives to encourage renewable development across six states. It may have a significant impact even if the new administration seeks to repeal it, say

Tara Kaushik and Stephen Humes of Holland & Knight LLP.

The Unintended Impact Of DEA's New Registration Policy

The U.S. Drug Enforcement Administration recently announced a significant change to its registration renewal process whereby it will no longer allow a grace period for registrants who fail to file a timely renewal application. This could have unintended consequences that will place pharmacies and other providers at risk, says Larry Cote of Quarles & Brady LLP.

Preparing For Contractor Paycheck Transparency

A day before it was scheduled to take effect, a Texas federal court preliminarily enjoined implementation of most aspects of the Fair Pay and Safe Workplaces final rule, leaving only its paycheck transparency requirements to proceed. Attorneys at Dentons LLP offer insight into the steps necessary to meet requirements for this aspect of the rule.

FTC Study On Patent Assertion Entities Is Incomplete

The Federal Trade Commission said the purpose of its study on the activities of patent assertion entities in the U.S. was to examine their impact on innovation and competition. But unfortunately this important goal was not even close to achieved, says Justin Daniels of Burford Capital LLC.

LEGAL INDUSTRY

Dewey Judge Says Retrial May Be Another Marathon

A New York state judge on Friday said the coming retrial of two former top executives of Dewey & LeBoeuf LLP accused of defrauding lenders and investors before the megafirm's collapse could wind up taking as much time as the nearly five-month first trial.

Legal Tech Download: On-Demand Lawyers & Immigration AI

The world of legal technology is quickly evolving as new products aimed at aiding lawyers are created and launched in rapid succession. Here, Law360 takes a look at nine of the biggest legal tech-related news developments over the past two weeks.

GC Cheat Sheet: The Hottest Corporate News Of The Week

The internet of things gets a long-awaited security guide, JPMorgan forks over \$130 million for running a nepotistic hiring program in violation of the Foreign Corrupt Practices Act and the U.S. Department of Homeland Security gives skilled immigrant workers some leeway. Those stories top the corporate legal news you may have missed last week.

Calif. Attys Must Pay Bar Dues Held Up By Stalled Bill

The California Supreme Court on Thursday ordered the state's lawyers to pay base dues to the State Bar of California given the annual bill that usually sets and approves financial support for the body has been subject to stalled political wrangling for months.

In Case You Missed It: Hottest Firms and Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

Rainmaker Q&A: Sullivan & Worcester's Aidan Browne

In some industries, legal services are viewed principally as a cost burden and not in terms of added value. Overcoming these perceptions can be challenging, but it's possible to defeat such institutional biases by consistently performing above the expectations, says Aidan Browne, director of business development at Sullivan & Worcester LLP.

Rainmaker Q&A: Michael Best's Jorge Leon

I pride myself on my level of responsiveness and truly believe that letting clients know they are being heard is the most important and challenging part of being a rainmaker, especially when you're trying to maintain a healthy work-life balance and are unable to predict when a crisis will come up, says Jorge Leon, partner at Michael Best & Friedrich LLP.

JOBS

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From: Public Policy Law360
Sent: Tuesday, November 22, 2016 5:02 AM
To: Rep48
Subject: Trump DOJ Prep Guided By Morgan Lewis, Kirkland, MoFo



Tuesday, November 22, 2016



TOP NEWS

Trump DOJ Prep Guided By Morgan Lewis, Kirkland, MoFo

President-elect Donald Trump has tapped a range of former high-level U.S. Department of Justice officials now practicing at BigLaw firms, including Morrison & Foerster LLP and Morgan Lewis & Bockius LLP, to guide the shift at the DOJ, the transition team said Monday.

New EEOC Guidance Defines National Origin Discrimination

The Equal Employment Opportunity Commission issued new guidelines on national origin discrimination Monday, defining it, providing tips for employers on how not to run afoul of Civil Rights Act national origin protections and providing examples of situations that could spark enforcement action.

DHS Releases Final Rule On FOIA

The U.S. Department of Homeland Security unveiled a preview Monday of a final rule updating the agency's Freedom of Information Act regulations, giving more time to appeal the DHS' response to an information request, clarifying when fees can be charged to information seekers, and more.

BANKING & SECURITIES

LAW FIRMS

Akerman
Altshuler Berzon
Balch & Bingham
Bredhoff & Kaiser
Brown & Connery
Cleary Gottlieb
Eversheds LLP
Fox Rothschild
Graves Garrett
Holland & Knight
Hunton & Williams
Jackson Lewis
Jones Day
K&L Gates
Kelley Drye
Kirkland & Ellis
Latham & Watkins
Littler Mendelson
McDermott Will
McGuireWoods
MoloLamken LLP
Morgan Lewis
Morrison & Foerster
Munger Tolles
Shearman & Sterling
Sherman Dunn

Credit Suisse Launches Swiss Unit Ahead Of Planned IPO

Credit Suisse AG said Monday that subsidiary Credit Suisse (Schweiz) AG has launched operations, likely setting the stage for an initial public offering next year as the banking conglomerate slims down to comply with "too big to fail" post-financial-crisis regulations.

GOP Iowa Lawmakers Press Trump To Nix Waters Of US Rule

A handful of Republican lawmakers from Iowa implored President-elect Donald J. Trump on Monday to torpedo the U.S. Environmental Protection Agency and U.S. Army Corps Engineers' contentious Clean Water Rule immediately upon entering the White House next year

ENERGY & ENVIRONMENTAL

DOI Can't Regulate Drilling Flares, States Say

Oil- and gas-rich Wyoming and Montana petitioned a Wyoming federal court on Friday to block the Bureau of Land Management's attempt to limit the release of methane during drilling operations on federal and Native American lands, arguing the bureau had overstepped its authority.

Mercury Rule Foes Say EPA's Cost Analysis Doesn't Add Up

The U.S. Environmental Protection Agency's additional, court-ordered justification of its rule limiting mercury and other toxic emissions from coal-fired power plants fails to show how the rule's benefits outweigh its compliance costs, states and industry groups fighting the revamped rule told the D.C. Circuit on Friday.

EPA Chief McCarthy Defends Climate, Pollution Priorities

U.S. Environmental Protection Agency Administrator Gina McCarthy said Monday she is concentrating on creating a smooth transition

Sidley Austin
Skadden
Squire Patton Boggs
Steptoe & Johnson LLP
Taft Stettinius

COMPANIES

Altman Weil Inc.
America Fujikura Ltd.
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
BNSF Railway
Bloomberg
Credit Suisse Group AG
Financial Industry Regulatory Authority Inc.
Google Inc.
International Union Of Operating Engineers
Kirkland's, Inc.
Marks & Spencer
Murray Energy Corp.
Mylan NV
National Air Traffic Controllers Association
National Association of Manufacturers
Portland Cement Association
Red Bull GmbH
U.S. Chamber of Commerce
Union Pacific Corporation
United Auto Workers
United Steelworkers
Winmark Corp.

GOVERNMENT AGENCIES

Bureau of Land Management
California State Board of Equalization

between President Barack Obama's administration and President-elect Donald Trump's, and expressed hope that key initiatives like reducing carbon pollution from power plants will survive the change.

Canada Moves To Phase Out Coal-Fired Power By 2030

The Canadian government said Monday that it would phase out the use of coal-fired power in the country by 2030, and would use its national infrastructure bank to help finance the transition to cleaner sources of electricity.

HEALTH & LIFE SCIENCES

House Asks DC Circ. To Pause Affordable Care Act Suit

The Obama administration's appeal of the GOP-led House of Representatives' district court win holding that certain subsidies for the Affordable Care Act are illegal should be stayed given President-elect Donald Trump's dim views on Obamacare, the House told the D.C. Circuit on Monday.

Mylan Refuses To Testify At Senate's EpiPen Rebate Hearing

Mylan NV has joined the U.S. Department of Justice and Centers for Medicare & Medicaid Services in refusing to testify before the Senate Judiciary Committee about a potential \$465 million settlement tied to its misclassification of the EpiPen for Medicaid rebates, the committee's chairman said Monday.

IP & TECHNOLOGY

NJ Assembly Approves Bill To Protect Inventor Rights

The New Jersey Assembly on Monday unanimously approved legislation to protect employees' rights to the ownership and usage of inventions unrelated to their jobs that they

Centers for Medicare & Medicaid Services

Central Intelligence Agency

Defense Intelligence Agency

Energy Information Administration

Equal Employment Opportunity Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Food and Drug Administration

Internal Revenue Service

Municipal Securities Rulemaking Board

National Institutes of Health

Occupational Safety and Health Administration

Office of the U.S. Trade Representative

Securities and Exchange Commission

Transportation Security Administration

U.S. Army

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

developed entirely on their own time and without using employers' resources.

U.S. Supreme Court

TRANSPORTATION & INFRASTRUCTURE

Calif. Appeals Rail Hazmat Fee Injunction To 9th Circ.

California officials have appealed to the Ninth Circuit a federal judge's Oct. 28 ruling blocking the state's tax board and regulators from implementing a new law that slaps a fee on rail cars transporting hazardous materials such as crude oil and chemicals.

REAL ESTATE

State OKs \$771M In Tax-Exempt Bonds For NYC

New York Gov. Andrew Cuomo said Friday that the state has allocated \$771 million in tax-exempt bond capacity to New York City this year, an increase of \$80 million from last year, to help spur affordable housing construction.

EMPLOYMENT

Industry, Unions Lock Horns In OSHA Silica Rule Dust-Up

Industry and labor groups fired their opening salvos Friday in a D.C. Circuit proceeding challenging the Occupational Safety and Health Administration's new rules on worker exposure to silica dust in a wide range of industries, with the industry groups seeking a full repeal and the unions looking to bolster worker protections.

Del., NJ Agency Beats Suit Over Gov. Christie Contract Veto

A federal judge ruled Friday that the Delaware River and Bay Authority doesn't have to honor collective bargaining agreements that were vetoed by New Jersey Gov. Chris Christie, ruling that the governor's action effectively

canceled the authority commission's ratification of the contracts.

Union Eyes 9th Circ. In Idaho Right-To-Work Challenge

A local chapter of the International Union of Operating Engineers said Friday that it will ask the Ninth Circuit to revive its challenge of an Idaho law that blocks unions from compelling nonmembers to pay fees, the same day the Sixth Circuit upheld a similar rule in a Kentucky county.

DOL Tells Court Expanding OT Rule Is Well Within Its Powers

The U.S. Department of Labor urged a Texas federal court Friday not to nix a controversial rule set to nearly double the salary threshold at which workers become exempt from overtime pay under federal labor laws, arguing the rule is a reasonable exercise of its power under court precedent.

Feds Lose Bid To Block Bathroom Injunction

A federal judge in Texas on Sunday denied a bid from the federal government to narrow the scope of his ruling that halts nationwide federal guidance that students be allowed to use the restroom that matches their gender identity, writing that they wouldn't be harmed if the temporary stop goes into effect.

PRIVACY & CONSUMER PROTECTION

DOJ Wants Warrant Rule Change To Nab Hidden Criminals

The Justice Department on Monday doubled down on its defense of a controversial judicial rule change that would expand courts' ability to issue warrants for access to electronic communications, arguing that the revision was necessary to catch pedophiles and other criminals increasingly using technology to cloak their location.

INTERNATIONAL TRADE

EU Commish Talks Up Free-Trade Pacts In Milan

European Union Trade Commissioner Cecilia Malmström defended the bloc's free-trade agreements while speaking Friday in Milan, but noted the Transatlantic Trade and Investment Partnership will likely be on hold for "some time."

TAX

Tea Party Group Seeks Extension In IRS Tax-Exemption Row

A Texas tea party group asked an Ohio federal court on Monday for an emergency order that would effectively extend a crucial deadline in its tax-exemption application to the IRS, complaining that the IRS has twisted the court's earlier injunction against it into an excuse to deny the application.

Christie Signs NJ Law Clarifying Tax Breaks For Stadiums

New Jersey Gov. Chris Christie has signed into law a bipartisan bill reiterating that government-owned stadiums and arenas are exempt from property taxation, answering uncertainty spawned by a court decision clarifying tax obligations of charitable and for-profit operations.

TELECOMMUNICATIONS

Advocates Urge Congress To Let FCC Act On Accessibility

Several groups representing deaf, hard of hearing, blind visually impaired Americans called on House congressional overseers Friday to clarify the importance of the Federal Communications Commission taking action on pending accessibility items, urging against waiting months during the presidential transition.

FCC's Pai Pushes Sessions For Attorney General

The Federal Communications Commission's senior Republican is backing Sen. Jeff Sessions of Alabama for the post of U.S. attorney general in the incoming Trump administration, saying Friday that he was once a part of Sessions' diverse staff in the Senate.

Trump Vows In Video To End TPP, Loosen Energy Regs

President-elect Donald Trump addressed the nation Monday night in a YouTube video outlining plans for six executive actions for day one of his term, ranging from an order to investigate immigration visa abuses to issuing a notification of intent to withdraw from the Trans-Pacific Partnership.

EXPERT ANALYSIS

What To Expect In The Remaining Days Of The 114th Congress

Overshadowing the onset of the lame-duck session of the 114th Congress was the dramatic presidential election. Anticipating Republican majorities in the Congress and the newly sworn-in President Donald J. Trump in January of 2017 is affecting the strategies of both parties during the lame-duck session, say attorneys at Holland & Knight LLP.

Tax Policy In The Trump Era: Part 3

Nearly three decades have passed since the last major overhaul of the U.S. tax code. Republican and Democratic policymakers agree (often for different reasons) that reform is needed. In the final installment of this series, attorneys with Squire Patton Boggs discuss corporate tax inversions and Section 385, the estate tax, low-income housing, and pension and retirement savings.

Transportation Policy In The Trump Era: Part 1

The challenge of revitalizing and updating the nation's transportation and infrastructure will be a focus for the 115th Congress and the Trump administration. In the first of a three-part series, attorneys with Squire Patton Boggs examine the transportation policy outlook for the aviation sector, focusing on FAA reauthorization and the prospects for a sweeping modernization of the nation's air traffic control system.

Importers Beware: US Customs In Enforcement Mode

U.S. Customs and Border Protection is upping its enforcement. On top of its legislative mandate, the Trump administration will also likely focus on the enforcement of trade regulations, says Laura Siegel Rabinowitz, special counsel at Kelley Drye and Warren LLP.

Changing Fiduciary Duty Landscape In A Trump Presidency

Following on the heels of the final U.S. Department of Labor fiduciary rule is the pending effectiveness of new fiduciary standards for municipal advisers, and the expected release of a proposed uniform fiduciary standard by the U.S. Securities and Exchange Commission. The election of Donald Trump as president, however, creates uncertainty about the current path and increases the possibility of change, say attorneys with Shearman & Sterling LLP.

LEGAL INDUSTRY

BigLaw's New Leaders Confront A Shifting Industry

BigLaw has slowly begun the process of recreating itself for the modern era, propelled by technological advances and new competition, but experts say the industry still has a long way to go and its newest leaders face the monumental task of being its change agents.

GCs Can't Find Money, Time To Deploy New Tech, Report Says

Adapting to and utilizing new legal technology seems to be a near constant topic of discussion among law firms and their biggest clients, but in-house counsel are facing some practical hurdles in technological progress, like budgeting and time constraints, according to a new report released Friday by Eversheds LLP and Winmark Ltd.

Rainmaker Q&A: Akerman's Brenda Goerks

Many times, "landing" a new client is given too much value, when perhaps it should really be about maintaining and investing in the clients you have. Getting to a Jedi stride with a client, and knowing their business takes time and is a mutual investment that requires ongoing fostering, says Brenda Goerks, a partner at Akerman LLP.

JOBS

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From: Alex Boehnke
Sent: Wednesday, December 7, 2016 9:46 AM
To: Alex Boehnke
Subject: Ohio Council of Retail Merchants Letter of Support SB 331

Dear Representative,

The Ohio Council of Retail Merchants urges favorable passage of Senate Bill 331.

This legislation contains sensible reforms that will help ensure and maintain a positive business climate in the state of Ohio. Recently, special interest groups – some backed by interests outside of Ohio – have pushed job-killing initiatives in various municipalities across the state. These proposals often call for drastic wage mandates and new stringent regulations on employers in regard to scheduling, benefits, hours of work. If implemented, these measures would create a patchwork of regulations resulting in increased uncertainty for businesses and job loss. Senate Bill 331 remedies these pressing issues.

For over 100 years, Section 34, Article II, of the Ohio Constitution has given the General Assembly exclusive constitutional authority to enact laws related to the workplace. Senate Bill 331 is congruent with our State's Constitution. The legislation guarantees uniformity with minimum wage while also expressly declaring that the hours and types of hours that employees work (such as the type of shift) are exclusively the product of the employer-employee relationship. Similarly, it provides for the "comfort, health, safety, and general welfare" of employees by leaving the question of whether or not private employers must or should provide fringe benefits to the employer-employee relationship.

The bill, in addition, does not interfere in any way with the rights of public employers to structure their relationship with their own employees in any way they see fit. Nor does Senate Bill 331 interfere with employment contracts or collective bargaining rights in either the public or private sector.

In summary, on behalf of over 7,400 Ohio businesses and representing an industry which employs one out of every four Ohioans, we strongly urge passage of Senate Bill 331.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. Boehnke', written in a cursive style.

Alex T. Boehnke

Manager of Public Affairs | The Ohio Council of Retail Merchants

Office: 614-221-7833 | Cell: 937-623-2073

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Columbus, OH 43215

AlexB@ohioretailmerchants.com

www.ocrm.net



From: Public Policy Law360
Sent: Wednesday, January 18, 2017 5:04 AM
To: Rep48
Subject: Trump's Interior Pick Says Climate Change 'Undisputable'



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PUBLIC POLICY

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Wednesday, January 18, 2017



TOP NEWS

Trump's Interior Pick Says Climate Change 'Undisputable'

Rep. Ryan Zinke, R-Mont., Donald Trump's nominee for interior secretary, parted ways with earlier comments by the president-elect by saying during Senate confirmation hearings on Tuesday that he doesn't believe climate change is a hoax, but suggested that there is still a place for fossil fuel drilling on federal lands.

IRS Finalizes Anti-Inversion Rule, With Some Tweaks

The Internal Revenue Service has finalized rules meant to make it harder for U.S. businesses to lessen their tax burden by merging with foreign companies, although the agency tweaked the requirements to meet certain exceptions to the regulations.

If Not Replaced, ACA Repeal Could Double Premiums: CBO

LAW FIRMS

Akin Gump
Allen & Overy
Altshuler Berzon
Baker Botts
Balch & Bingham
Bangs McCullen
Berger Singerman
Bircham Dyson
Brann & Isaacson
Buchanan Ingersoll
Cadwalader Wickersham
Chadbourne & Parke
Cravath Swaine
DLA Piper
Davis Graham
Davis Wright Tremaine
Dentons
Dewey & LeBoeuf
Duane Morris

With Congressional Republicans working toward repealing the Affordable Care Act, the nonpartisan Congressional Budget Office said Monday that scrapping only parts of "Obamacare" could result in 32 million people losing health insurance and premiums doubling by 2026.

3 Takeaways As FDA Dishes On Interchangeable Biosimilars

The U.S. Food and Drug Administration's long-awaited guidance on biosimilar interchangeability contains lots of flexible language that means the coveted designation could be much more attainable for some products than others, experts say. Here are three takeaways from Tuesday's draft guidance.

Puzder Denies Report He May 'Bail' On Labor Nomination

Andrew Puzder, the fast food executive whom President-elect Donald Trump tapped to serve as U.S. secretary of labor, on Monday tweeted that he is "looking forward" to his confirmation hearing, amid media reports that he was considering withdrawing himself from consideration for the job.

Obama Commutes Chelsea Manning's Prison Sentence

President Barack Obama on Tuesday commuted the sentence of Chelsea Manning, the soldier convicted of leaking a trove of classified information to the website WikiLeaks, according to media reports.

Trump Asks If Outgoing CIA Head 'Leaker Of Fake News'

President-elect Donald Trump has lashed back at outgoing CIA Director John Brennan's suggestion that he does not fully understand Russia's threat to national security, questioning if Brennan leaked "fake news" and deepening his rift with the U.S. intelligence community.

BANKING & SECURITIES

Earthjustice
Faegre Baker
Goldstein & Russell
Goodwin
Gray & Associates
GrayRobinson
Greenberg Traurig
Hickey & Evans
Hogan Lovells
Hunton & Williams
King & Wood Mallesons
Kirkland & Ellis
Latham & Watkins
McDermott Will
Milbank Tweed
Mintz Levin
Mishcon de Reya
Morgan Lewis
O'Melveny & Myers
Orrick Herrington
Paul Weiss
Seward & Kissel
Sidley Austin
Skadden
Stoel Rives
Sullivan & Cromwell
Van Ness Feldman
Wachtell Lipton
Willkie Farr
Winston & Strawn
Zuckerman Spaeder

COMPANIES

AT&T Inc.
AbbVie Inc.
Aerospace Industries Association
Air Line Pilots Association
International
Allergan PLC

Mary Jo White Says SEC Must Remain An Independent Agency

Outgoing U.S. Securities and Exchange Commission Chair Mary Jo White said Tuesday the agency must remain independent in the face of "partisan tides" and constricting legislation in order to fulfill its mission of protecting investors.

Senate Dems Won't Negotiate CFPB's Makeup, Schumer Says

Senate Democrats will not negotiate to replace the Consumer Financial Protection Bureau's single-director leadership with a commission structure similar to that of other financial regulatory bodies, the party's leader in that chamber said Tuesday.

NY Says OCC Fintech Charter Puts Consumers At Risk

New York's top financial watchdog on Tuesday blasted a federal regulator's proposal to create a new charter for nonbank online lenders and other financial technology firms, saying that the new charters would open the door to weakening state consumer protection laws.

Texas Bank Can't Leapfrog To Full DC Circ. In CFPB Case

A D.C. federal judge on Tuesday shot down a Texas bank's bid to join an appeal before the full D.C. Circuit concerning the constitutionality of the Consumer Financial Protection Bureau's single-director leadership, rejecting the bank's arguments the move would serve the interest of "judicial economy."

ENERGY & ENVIRONMENTAL

Enviros Urge Justices To Pass On Polar Bear Habitat Appeal

The Center for Biological Diversity is urging the U.S. Supreme Court not to upend a Ninth Circuit decision backing the U.S. Fish and Wildlife Service's critical habitat designation for

America Fujikura Ltd.
American Bankers Association
American Bar Association
American Cable Association
American Federation of Labor and Congress of Industrial Organizations
Aramark Corp.
Arctic Slope Regional Corp.
Associated Press
BuzzFeed Inc.
CKE Restaurants, Inc.
CTIA
Caterpillar Inc.
Center for Biological Diversity Inc.
Chevron Corporation
Competitive Carriers Association
Cox Communications Inc.
Depository Trust & Clearing Corp.
DraftKings Inc.
Education Management Corporation
Energy Transfer Partners, L.P.
Environmental Defense Fund Inc.
FanDuel Inc.
First Financial Holdings, Inc.
Ford Foundation
International Brotherhood of Teamsters
International Swaps and Derivatives Association
Life Care Centers of America
Lockheed Martin
Lyft Inc.
Marathon Petroleum Corp.
MoneyGram International, Inc.
National Association of Manufacturers
National Collegiate Athletic Association

the polar bear, saying the state of Alaska and other challengers have made too big of a deal out of the size of the habitat designation.

BLM Venting Rules Take Effect As Court Case Continues

Three Western states and industry groups lost a bid Monday to block a Bureau of Land Management rule aimed at limiting methane releases from drilling operations on federal and Native American lands from taking effect Tuesday while a Wyoming federal judge hears the merits of the case.

EPA Wants To Revise Haze Rules Over Texas' Objection

The U.S. Environmental Protection Agency and environmental groups have asked the Fifth Circuit to deny Texas' bid to throw out part of the federal government's regional haze plan, arguing that instead the EPA should be allowed to revise the plan on remand.

HEALTH & LIFE SCIENCES

After Historic Vote, Fla. Drafts New Medical Pot Rules

The Florida Department of Health on Tuesday published its initial proposed rule for a medical marijuana program, taking a step toward implementing the recently passed Amendment 2 but creating controversy by charting a course closer to existing law than the broader guidelines voters overwhelmingly passed in November.

Ex-House Attys Urge High Court To Review Menendez Ruling

Former general counsels of the U.S. House of Representatives have joined U.S. Sen. Bob Menendez, D-N.J., in urging the U.S. Supreme Court to review a Third Circuit decision upholding his corruption charges, saying the ruling improperly allows scrutiny of a

National Oilwell Varco Inc.
National Telephone Cooperative Association
New York City Bar Association
New York State Academy of Trial Lawyers
New York State Bar Association
New York State Trial Lawyers Association
Newegg Inc.
Olgoonik Corp.
Omnicare Inc.
Overstock.com Inc.
PHH Corporation
Pfizer Inc.
PhRMA
Plains All American Pipeline, L.P.
Plantronics Inc.
Sierra Club
T-Mobile USA Inc.
Tata Consultancy Services Ltd.
The American Law Institute
The Boeing Company
The Hospital and Healthsystem Association of Pennsylvania
Tikigag Corp.
Trinity Industries Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
Universal Health Services Inc.
Verizon Communications
Wayfair LLC

GOVERNMENT AGENCIES

Alaska Department of Law
Bureau of Indian Affairs
Bureau of Land Management
Central Intelligence Agency

lawmaker's motives to gauge whether legislative acts are constitutionally protected.

FDA's Foreign Offices Are Short-Staffed, Report Says

The U.S. Food and Drug Administration's foreign drug inspection program is persistently understaffed despite overall improvements to the program in recent years, the U.S. Government Accountability Office said in a report released Tuesday.

MEDIA & ENTERTAINMENT

Pa. Senators Push Bill To Regulate Daily Fantasy Sports

Two Pennsylvania state senators from both sides of the aisle on Tuesday said that they plan to introduce legislation to permit and regulate the operation of daily fantasy sports games in Pennsylvania.

NY Looking To Test Sports Betting Ban, Wagering Chair Says

New York could be the next state to challenge a federal law prohibiting states from authorizing sports betting as New York Assemblyman J. Gary Pretlow, who chairs the Racing and Wagering Committee, told Law360 he plans to float a sports betting legalization bill this month, a move that will likely land the state in federal court.

TRANSPORTATION & INFRASTRUCTURE

Pilots, Flight Attendants Sue DOT Over Norwegian Air Permit

A coalition of unions representing pilots and flight attendants has sued the U.S. Department of Transportation in the D.C. Circuit to challenge the agency's grant of a foreign air carrier permit to Norwegian Air Shuttle ASA's Irish subsidiary.

EMPLOYMENT

Commodity Futures Trading Commission
Congressional Budget Office
Consumer Financial Protection Bureau
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service
Florida Department of Health
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
International Trade Commission
NATO
National Aeronautics and Space Administration
National Park Service
New York State Department of Financial Services
Office of the Comptroller of the Currency
San Francisco Bay Area Rapid Transit District (BART)
Securities and Exchange Commission
South Dakota Department of Revenue
U.S. Air Force
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor

Uber Sues Seattle To Stop New Driver Unionization Rule

Uber sued the city of Seattle in Washington state court Tuesday to block rules permitting for-hire drivers to participate in collective bargaining opportunities, alleging they run afoul of the state's constitution.

GOVERNMENT CONTRACTS

Acquisition Council Issues Proposed Sustainability Rule

The Federal Acquisition Regulatory Council issued a proposed rule Tuesday to implement a presidential sustainability directive, saying the proposal will improve federal agencies' environmental performance and reduce greenhouse gas emissions by changing their purchasing habits.

Boeing CEO Touts Contract Progress After Trump Meeting

Boeing's CEO Dennis Muilenburg said Tuesday he and President-elect Donald Trump had discussed driving down costs on the pending Air Force One replacement contract, as well as the possibility of the Pentagon buying Boeing's F/A-18 instead of Lockheed Martin's F-35, days after Trump held a similar meeting with Lockheed's CEO.

McCain Says Pentagon \$430B Short Of Military Readiness

Sen. John McCain, one of Congress's most outspoken defense hawks, let out a clarion call Monday to boost military spending above sequestration levels in 2018, saying in a new report only \$430 billion in additional Pentagon funding over the next five years can preserve U.S. military readiness.

TAX

IRS Finalizes Corporate-Level Tax On Certain REIT Transfers

U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Marine Corps
U.S. Senate
U.S. Supreme Court

A new Internal Revenue Service regulation to impose a corporate-level tax on certain property transfers to real estate investment trusts and regulated investment companies will go into effect Wednesday.

Del. Poses Bill To Limit Unclaimed Property Collection

Amid a high court battle between Delaware and several other states over who gets to keep abandoned MoneyGram checks, a Delaware state senator has introduced a bill that claims to make the state's unclaimed property laws fairer and more in line with those of other states.

South Dakota Remote Sales Tax Suit Returns To State Court

A group of online retailers being sued by South Dakota under its new law enforcing sales tax collection on certain out-of-state businesses was dealt a blow Tuesday when a federal judge punted the lawsuit back to state court.

Pa. GOP Sen. Floats 5% Natural Gas Tax To Fund Pensions

A Pennsylvania Republican state senator on Tuesday said he intends to reintroduce legislation that would impose a 5 percent levy on natural gas producers in the state and direct the receipts to offset the state's unfunded pension liabilities.

BANKRUPTCY

2nd Circ. Says EDMC Restructuring Did Not Violate Bond Law

The Second Circuit on Tuesday overturned a federal district judge's finding that a \$1.5 billion out-of-court restructuring proposed by for-profit college operator Education Management Corp. violated a Depression-era law meant to protect bondholders, saying the payment terms governing the bonds at issue were not modified.

IMMIGRATION

Justices Mull 'Crime Of Violence' In Immigration Case

The U.S. Supreme Court on Tuesday heard oral arguments in an immigration case over whether the definition of a "crime of violence" is unconstitutionally vague, with the justices grappling with the vagueness standard and how the definition differed from a separate statute that was struck down in 2015.

Shepherds Ask Court To End DOL's H-2A Wage Floor

A group of shepherds challenging a 2015 Department of Labor rule setting a pay floor for long-term livestock workers on temporary H-2A visas urged a D.C. federal court on Monday to deal them a quick win and to find the rule is illegal.

TELECOMMUNICATIONS

FCC Auction's Clearing Cost Drops To \$10B

The Federal Communications Commission's spectrum incentive auction is on track to bring in a fraction of its original goal of more than \$80 billion, as the agency has set a target for its next round of the incentive auction at just over \$10 billion, according to a Tuesday post on the FCC's website.

FCC's Transparency Rules Go Into Effect For All Providers

Enhanced transparency rules under the Federal Communications Commission's 2015 Open Internet Order went into effect on Tuesday despite a plea from several trade associations, although a Democratic commissioner lamented the effect on small providers and a Republican commissioner pushed action soon.

Hispanic Media Tell FCC Viewers' Mail Should Be Kept

The National Hispanic Media Coalition has urged the Federal Communications Commission not to drop its requirement that

commercial broadcasters retain copies of correspondence from the public, arguing that the correspondence can aid the public when filing complaints against certain broadcast content.

PEOPLE

Latham & Watkins Brings On 2 Energy-Focused Partners

Latham & Watkins LLP has hired two partners with energy expertise who collectively will bring more than 50 years of experience to the firm's Washington, D.C., office, the firm announced Tuesday.

Ex-Cravath Atty, Hedge Fund Runner Get 2nd CFTC Seat Try

Just days before stepping out of office, the Obama administration on Tuesday renewed a bid to fill a pair of vacancies at the U.S. Commodity Futures Trading Commission, re-nominating a former Cravath Swaine & Moore LLP attorney and a hedge fund manager who didn't advance last year.

EXPERT ANALYSIS

Evidence Substantiation Burden May Soon Shift To FTC

To date, questions about how the Trump administration will impact the Federal Trade Commission have focused primarily on antitrust issues, but clues to how the new administration will affect consumer protection issues might be found by examining the record of former Commissioner Joshua Wright, whom Trump has named to lead the FTC transition efforts, say attorneys at Skadden Arps Slate Meagher & Flom LLP.

Hague Convention's Impact On Secured Transactions

Choice-of-law rules for the perfection and priority of a security interest in "securities credited to a securities account" will change on

April 1, 2017, when the Hague Securities Convention comes into effect. Edwin Smith and Alan Beloff of Morgan Lewis & Bockius LLP describe what steps secured parties may need to take now for existing secured transactions and in planning for new ones.

Key Trade Secret Developments Of 2016: Part 2

Our first article in this two-part series focused on the most significant event in trade secret law in many years — the passage of the federal Defend Trade Secrets Act. Now we leave the DTSA and highlight five other trade-secret trends that promise to shape future developments, say attorneys with Faegre Baker Daniels LLP.

Health Care Enforcement Review And 2017 Outlook: Part 2

In 2016, courts around the country heard cases involving a variety of False Claims Act and other enforcement-related matters. Going forward these case law developments are expected to have an impact on both the scope of FCA liability and the means by which FCA liability can be proven at trial, say attorneys at Mintz Levin Cohn Ferris Glovsky and Popeo PC.

Amended Rule 37(e): 1 Year Later

After a full year in effect, the amended Federal Rule of Civil Procedure 37(e) has been tested in a variety of district courts. A sampling of these decisions reveals that courts seem to be adhering closely to the amended rule and ordering adverse inference instructions only where there was intent to deprive another party of access to relevant information, say Carrie Amezcua and Samantha Southall of Buchanan Ingersoll & Rooney PC.

LEGAL INDUSTRY

How To De-Stress And Find Balance As A Busy Lawyer

Tackling stress as an attorney may feel like a losing proposition given the profession's high-pressure work and long hours, but experts say even the most tightly wound lawyers can reduce stress and find balance. Here are five ways.

Elite Firms Aren't Safe From Industry Upheaval, Report Says

The future of the legal sector is currently marked by uncertainty and volatility, with major changes on the horizon that will likely impact even elite law firms' compensation systems and cultures, according to a report out Tuesday by Major Lindsey & Africa.

Cadwalader Closing Houston Office

Cadwalader Wickersham & Taft LLP said on Tuesday that it will close its Houston office as part of the firm's decision to consolidate around its core client base of large corporations and the financial sector, including banks and hedge funds.

Cuomo Taps Cravath Partner For Seat On NY High Court

New York Gov. Andrew Cuomo on Monday selected Cravath Swaine & Moore LLP's longtime complex litigation partner Rowan D. Wilson to become an associate judge on the state's Court of Appeals, taking the place of recently retired Associate Judge Eugene F. Pigott

Dewey Execs Blast DA's Bid To Limit Star Witness Questions

Two former Dewey & LeBoeuf LLP executives have shot back at a bid by the Manhattan district attorney's office to limit cross-examination of a cooperating witness in the upcoming retrial over alleged accounting fraud, saying they have a right to explore whether the witness is "shading his testimony to curry favor."

KWM Appoints Administrators Amid Financial Woes

Cash-strapped global law firm King & Wood Mallesons LLP filed for administration with a U.K. court on Tuesday and selected an independent agency to handle its financial future, a representative for the firm confirmed.

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From: Leonard Gilroy
Sent: Monday, January 30, 2017 9:09 AM
To: Rep48
Subject: Pension Reform News - January 2017 - Reason Foundation

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Issue No. 33 - January 2017

Reason Foundation

This newsletter from Reason Foundation's Pension Integrity Project highlights articles, research, opinion, and other information related to public pension challenges and reform efforts across the nation. You can find previous editions [here](#).

In This Issue:

Articles, Research & Spotlights

- [How CalPERS' Lowered Investment Return Assumption Impacts Taxpayers](#)
- [Court Upholds California's Ban on Airtime Purchases](#)
- [New Reports Examine Omaha, Lincoln Pension Liabilities and Risks](#)
- [Simulation Models Illuminate Risks Faced by Public Pension Plans](#)
- [The Role of Governance in the Dallas Police and Fire Pension Crisis](#)

Quotable Quotes on Pension Reform

Contact the Pension Reform Help Desk

Articles, Research & Spotlights

How CalPERS' Lowered Investment Return Assumption Impacts Taxpayers

The board of the California Public Employees Retirement System (CalPERS) sent shockwaves through the Golden State last month when it approved lowering its

investment returns assumption from 7.5% to 7.0% over the coming years, a move that revealed the pension plan is billions more in debt than was previously recognized. In the short term, this change is going to mean increased pension contributions for the state and most local governments, which could potentially impact taxpayers through service cuts or tax increases. But as Reason's Leonard Gilroy writes in a recent *Orange County Register* column, there is a silver lining for taxpayers in the long term.

» [FULL ARTICLE](#)

» [return to top](#)

Public Workers Can Get Pensions Only for Time They Actually Worked, Court Rules

A California appellate court upheld the provisions of a state pension reform law enacted in 2011 that eliminated so-called "airtime purchases," where public workers were able to boost their pensions by purchasing an additional five years of service time without having to actually work for those years. Taken together with a separate ruling last year upholding Marin County's elimination of pension spiking, Reason.com reporter Eric Boehm writes that the new ruling can be seen as part of a developing trend of courts taking a skeptical look at the so-called "California Rule."

» [FULL ARTICLE](#)

» [return to top](#)

New Reports Examine Omaha, Lincoln Pension Liabilities and Risks

Nebraska's municipalities are somewhat of an outlier nationally as most cities and counties across the state offer either a cash balance plan or defined contribution plan to public sector workers. Two striking exceptions to this are the cities of Omaha and Lincoln, each of which offers defined benefit retirement plans for public safety workers. Omaha runs a defined benefit plan for its civilian employees too (though new hires for the next few years are being offered a cash balance plan as a part of a collective bargaining agreement).

Unfortunately, Omaha and Lincoln are not exceptions when it comes to the

accumulation of unfunded pension liabilities. Combined, the two cities report about \$920 million in unfunded liabilities—but, using more realistic assumptions, they are likely facing around \$2.2 billion in pension debt. This is one of the findings from two policy studies that Reason co-published this month with the Nebraska-based Platte Institute. Using actuarial analysis, the Lincoln report also shows that unfunded liabilities in the city's public safety pension fund are likely to quadruple over the next 20 years if there are no changes to plan assumptions and recent patterns persist. The Omaha report also includes a forecast that shows within the next two decades the city will probably be paying more than 50 cents for every dollar in salary to cover increasing unfunded liability amortization payments.

» [STUDY: Pension Debt: The Billion Dollar Problem Still Threatening Omaha](#)

» [STUDY: Pension Debt: The Still Unsolved Problem Threatening Lincoln](#)

» [return to top](#)

Simulation Models Illuminate Risks Faced by Public Pension Plans

Last year, the Rockefeller Institute of Government released a paper showing how underfunding risks are significantly increased through funding practices commonly employed by public pension plans, such as high discount rates and long open amortization periods. Rockefeller is back with a new report that, according to Reason's Truong Bui, helps answer how investment risks translate to volatility in funded ratios and contribution rates, and how specific assumed return rates and investment practices are related to this process of investment risk and volatility.

» [FULL ARTICLE](#)

» [return to top](#)

The Role of Governance in the Dallas Police and Fire Pension Crisis

There are several factors influencing the declining solvency of the Dallas Police & Fire Pension System (DPFP), including risky investments, generous DROP returns, and large lump-sum withdrawals. Further complicating the situation, Dallas Mayor Mike Rawlings recently requested an investigation of potential unspecified criminal activities conducted by previous DPFP administrators. In a

new blog post, Reason's Anil Niraula writes that the actual causes behind the plan's misfortunes apparently go far deeper than any possible past criminality and point directly to the way the retirement system is governed.

» [FULL BLOG POST](#)

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Quotable Quotes on Pension Reform

"In an overall portfolio context, the return for a simple 60% world equity and 40% U.S. aggregate bond portfolio [in 2017] is expected to be in the neighborhood of 5.5% to 6.0%, roughly 75 basis points below our 2016 assumptions. Volatility forecasts are also marginally higher."

—Anne Lester, head of retirement solutions for J.P. Morgan's global investment management solutions group, quoted in John Manganaro, "[Long-Term Return Assumptions Reduced Again for 2017](#)," Plansponsor.com, January 10, 2017.

"All models developed in 2016 indicated a likelihood of 35 percent or less of actual long-term future average returns meeting or exceeding 7.6 percent."

—Florida Department of Management Services' annual report on the financial status of the state pension system (which lowered its assumed rate of return to 7.6 percent in October 2016), quoted in News Service of Florida, "[Projected pension returns could be too rosy, report says](#)," *Orlando Sentinel*, January 5, 2017.

"It was an unsustainable feature. [...] What they turned it into was an investment strategy and guaranteed themselves a return that is unheard of."

—Dallas, TX City Manager A.C. Gonzalez on the Dallas Police & Fire Pension System's historical policy of guaranteeing 8-10% annual interest on the balances in individuals' deferred retirement option plans (DROP), quoted in Tanya Eiserer, "[Dallas Police and Fire pension members may have to pay back funds](#)," WFAA.com, January 5, 2017.

"We're not on the brink of running out of money. But what we are is at a much higher risk profile than we're comfortable with. That's not just a risk for members. That's a risk for employers, that's a risk for taxpayers, that's a risk for Colorado

communities."

—Greg Smith, Colorado Public Employee Retirement Association executive director, quoted in, Brian Eason, "PERA at risk of insolvency if another recession comes, director says," *The Denver Post*, January 20, 2017.

"Providing DB benefits is expensive, and any time you backload pay (for you or someone else), it is tempting to not put enough money aside. The combination of high cost and bad incentives is what killed the pension plan. Or, it was ERISA, which forced pension plans to account for the cost and fund pensions properly. It is telling that the only industry where [pensions] are still common is the one not subject to ERISA, state and municipalities. Don't blame the 401(k) for the fact you don't have a DB plan!

And DB plans are risky. Risk is one reason why they are so expensive for employers. Moving a stream of income from today into the future is expensive to insure."

—Allison Schrager, "If liking 401(k) accounts is wrong, I don't want to be right," Allison's Ode to the Second Moment (e-newsletter), January 9, 2017.

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Contact the Pension Reform Help Desk

Reason Foundation's Pension Reform Help Desk provides information and technical resources for those wishing to pursue pension reform in their states, counties and cities. Feel free to contact the Reason Pension Reform Help Desk by e-mail at pensionhelpdesk@reason.org.

» [return to top](#)

Follow the discussion on pensions and other governmental reforms at [Reason Foundation's website](#) or on Twitter ([@ReasonReform](#)). As we continually strive to improve the publication, please feel free to send your questions, comments and suggestions to leonard.gilroy@reason.org.

Leonard Gilroy
Senior Managing Director, Pension Integrity Project
Reason Foundation

Anthony Randazzo
Managing Director, Pension Integrity Project
Reason Foundation

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Sent: Thursday, February 9, 2017 12:02 PM

To: Rep48

Subject: States see favorable conditions for gas tax hike

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TOP NEWS Feb. 9, 2017

States see favorable conditions for gas tax hike

Reuters

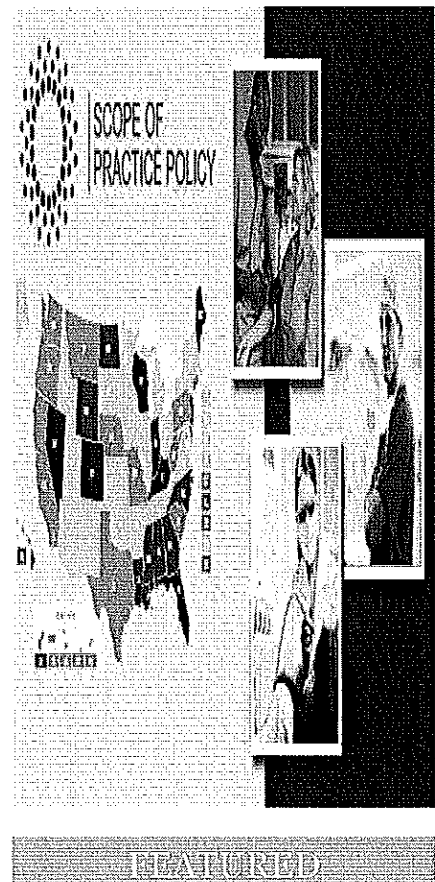
States where gasoline taxes have not risen in decades are now discussing an increase and conditions might be ripe for the proposed hikes to win approval in state legislatures, tax experts said this week. NCSL's Kevin Pula quoted.

North Carolina judges suspend limits on governor's power

The New York Times

A three-judge state court panel in North Carolina on Tuesday held up part of a new Republican-backed law that strips important power from the newly elected Democratic governor.

Legislators question Ohio governor's budget



The Columbus Dispatch

Gov. John Kasich's school-funding proposal, which cuts state aid to rural districts while providing more money for many suburban and urban schools, is getting a mixed reaction from legislators.

= A Iowa Republicans propose sweeping changes to collective bargaining

The Des Moines Register

Republican lawmakers on Tuesday proposed sweeping changes to Iowa's collective bargaining laws that govern the way 184,000 of the state's teachers, corrections officers and other public sector union workers negotiate for wages, health care and other employment benefits.

Congress takes aim at California law mandating retirement plans for low-income workers

The Los Angeles Times

An ambitious California law intended to help create retirement security for low-income workers is in the crosshairs of the Trump-era Congress, which is moving to block the state and others from launching programs to automatically enroll millions of people in IRA-type savings plans.

NCSL Foundation Partnership on Retirement Security.

Universal pre-K is hard to find and harder to fund

Governing

The states and cities expanding early education have

Visit NCSL's new website devoted to Scope of Practice Policy

The purpose of this website is to educate state policymakers about scope of practice issues related to nurse practitioners, physician assistants, dental hygienists and dental therapists.



Three state legislative officers to serve on FCC advisory board

Energy efficiency and renewables in lower-income homes

New edition of Capitol to Capitol newsletter



Tracking scope of practice around the nation

Different states have different laws regarding scope of practice for health care providers. States define local solutions to local issues surrounding scope of

wrestled with the question of what qualifies as "universal."
NCSL research on school readiness and transitions.

practice policy. Tracking what's
happening around the country is a
challenge. This website provides
policymakers with an easy
reference source.



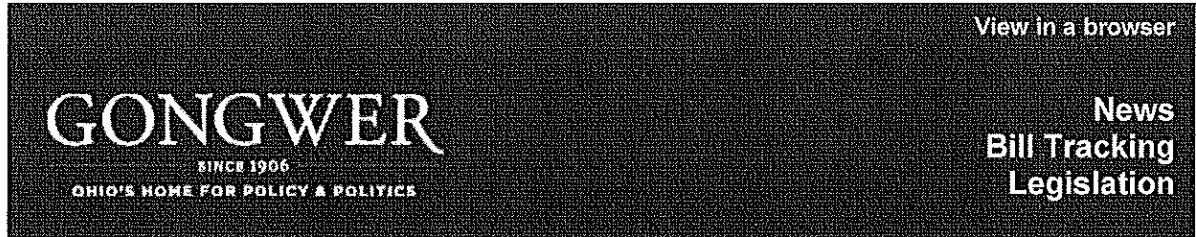
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Sent: Monday, February 13, 2017 4:01 PM
To: House_misc_html@gongwer-oh.com
Subject: House Floor Report



HOUSE ACTIVITY REPORT

INTRODUCED

HB 51

AGENCY REVIEWS (Faber, K.)

To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.

HB 52

DEED SOLICITATION (Rezabek, J.)

To regulate the solicitation of certain deeds.

HB 53

UNION DUES (Becker, J.)

To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to

any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

HB 54

REVENUE OBLIGATIONS (Blessing, L., Gavarone, T.)

To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

HB 55

ROAD NAMING (Rogers, J.)

To designate a portion of State Route Two in Lake County as the "Lcpl Bret M. Poklar Memorial Highway."

HB 56

HUMAN TRAFFICKING (Dever, J., Gavarone, T.)

To permit a person who is found not guilty or is the defendant in a dismissed case to apply for an expungement of the person's records in the case if the complaint, indictment, or finding of not guilty resulted from the applicant having been a victim of human trafficking, to permit a person convicted of certain prostitution-related offenses to apply for the expungement of any record of conviction of an offense, with certain exceptions, if the person's participation in the offense was a result of having been a victim of human trafficking, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

HB 57**DOMESTIC STEEL (Bocchieri, J., Ramos, D.)**

To require the use of domestic steel in construction, repair, or improvement projects involving certain buildings used by public schools, state institutions of higher education, and specified private colleges.

HB 58**CURSIVE HANDWRITING (Brenner, A., Slaby, M.)**

To require instruction in cursive handwriting.

HB 59**DAY DESIGNATION (Leland, D., West, T.)**

To designate October 7 as "Moses Fleetwood Walker Day."

HB 60**DRIVER'S LICENSES (Hambley, S., Rogers, J.)**

To authorize the issuance of an enhanced driver's license, enhanced commercial driver's license, and enhanced identification card to facilitate land and sea border crossings between the United States and Canada and Mexico, pursuant to an agreement with the United States Department of Homeland Security.

HOUSE SPEAKER'S APPOINTMENTS

FEDERALISM AND INTERSTATE RELATIONS: REMOVE REPRESENTATIVE DUFFEY; APPOINT REPRESENTATIVE GOODMAN.

JOINT LEGISLATIVE ETHICS COMMITTEE: APPOINT REPS. STRAHORN, CELEBREZZE, AND ANTONIO.

OHIO LEGISLATIVE SERVICE COMMISSION: SPEAKER ROSENBERGER, REPRESENTATIVES SCHURING, PELANDA, LATOURETTE, AND PATTON.

**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION: REP.
HOLMES**

**STATEWIDE EMERGENCY SERVICES INTERNET PROTOCOL
NETWORK STEERING COMMITTEE: REP. CARFAGNA**

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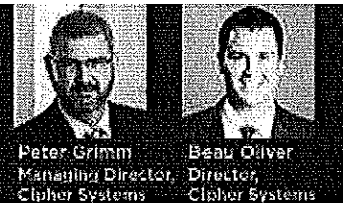
Sent: Monday, February 13, 2017 5:46 PM

To: Rep48

Subject: Addressing the challenges of recruitment and talent development; CMSD, teachers union reach tentative agreement

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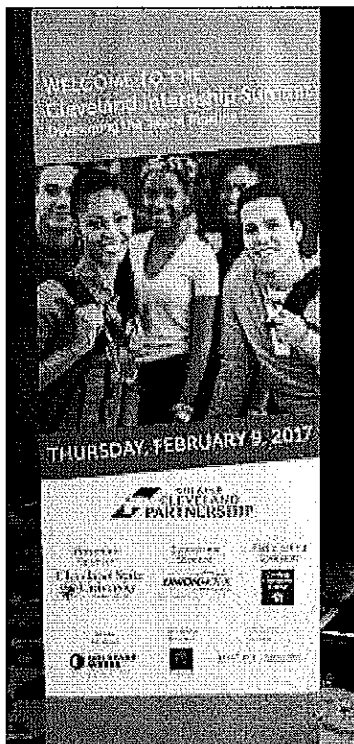
Addressing the challenges of recruitment and talent development

Workforce continues to be an area of challenge for Northeast Ohio employers.

Businesses are seeking skilled workers who are reliable, have on-the-job experience and are committed to growing with the company.

At the same time, college students in the region are learning that in today's competitive market, real-world experience is crucial to landing a job and advancing their careers.

The second annual Cleveland Internship Summit, presented by the Greater Cleveland Partnership (GCP) last week at the Embassy Suites in Independence, helped further the conversation around these workforce challenges and provided best practices in recruitment and talent development.



We thank our sponsors and presenters for their support and involvement in making the event a tremendous success.

Next steps

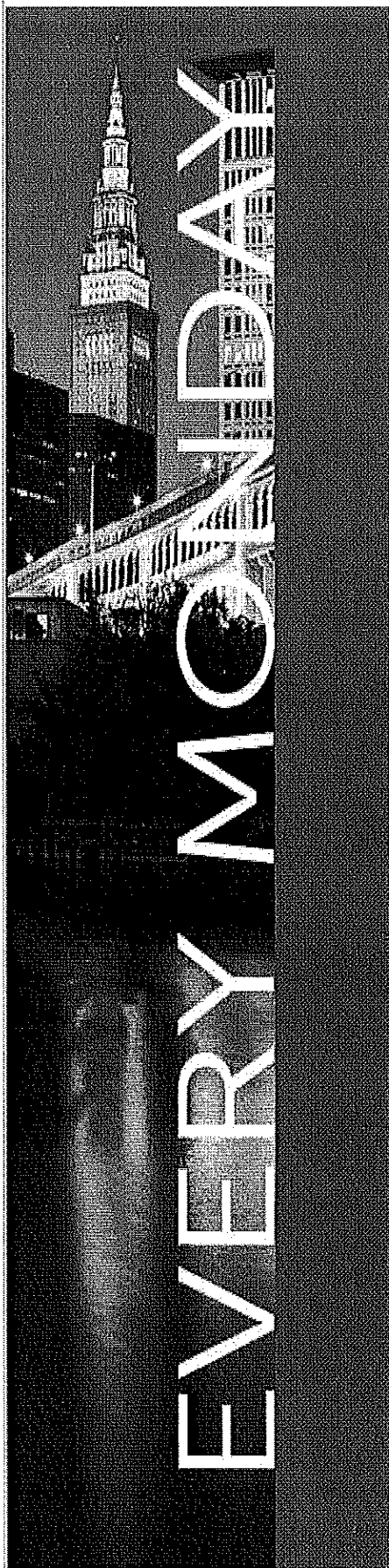
This will include working with employers and educational institutions represented at the summit to add additional resources to GCP Internship Central.

If you are an employer looking for assistance in growing, managing or starting an internship program or need assistance connecting with interns, please contact Angela Finding at afinding@gcpartnership.com.

For those who would like to reference information shared at the Summit, we will be adding the expert presentations and podcasts to our website in the coming weeks.

See stories below for summit highlights.

CMSD, teachers union reach tentative contract agreement



The Cleveland Teachers Union (CTU) and the Cleveland Metropolitan School District (CMSD) have reached a Tentative Agreement for a Collective Bargaining Agreement.

An earlier agreement, reached on August 30, 2016, was rejected by union members in September, requiring a return to the bargaining table this year to resume bargaining for a contract both sides could accept.

The GCP had urged action that would support the efforts of The Cleveland Plan to transform the delivery and expectations of education in Cleveland's public schools.

"This tentative agreement comes at a critical time when The Cleveland Plan is beginning to reverse decades of decline and deliver measurable improvement," said GCP President and CEO Joe Roman.

Once details are available, we will share an assessment of how the agreement furthers the tenants of The Cleveland Plan as supported by the GCP.

[Read more.](#)

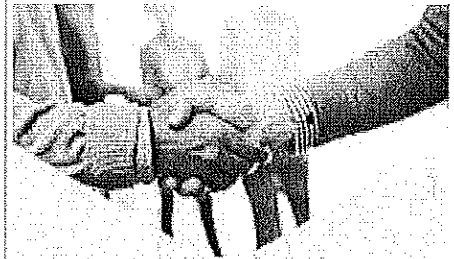
Cleveland Internship Summit highlights



GCP President and CEO Joe Roman (photo left) and Dr. Ronald Berkman (photo right), president of Cleveland State University, the Summit's presenting sponsor, welcomed more than 200 attendees from the business and education communities. The program featured:

Keynote speaker

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Events

02.17.17 "Managing Intercultural Conflict in the Workplace? D

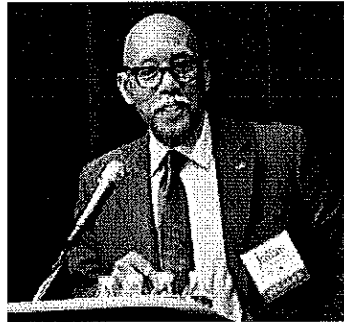
Damaris Patterson Price, a leadership consultant, executive coach and facilitator, will be the presenter.



Program objectives include providing the business case for workplace civility as a business driver and why HR managers need to be capable of addressing intercultural conflict.

Presented by:

Julian Earls, Ph.D., former director of the NASA Glenn Research Center and executive-in-residence, Cleveland State University, emphasized the importance of home-grown internships to encourage students from the region to build their careers here.



He also encouraged students to use their internship experiences as an opportunity to expand their education, which is "more than classroom and laboratories."

"Learn from the Pros"



The morning plenary session featured a panel with local employers who discussed how they have engaged interns and other best practices for running a successful program. Our panelists (left to right in photo):

- Laura Mizer, Director of Marketing, Good Karma Brands
- Stephen Love, Program Officer, Cleveland Foundation
- Sygi Berman, Human Capital Acquisition Manager, The Sherwin-Williams Company, moderator
- Terrance Richardson, Program Manager, Louis Stokes Internship Program, Cleveland Clinic

"From Intern to Anchor"



**CLEVELAND
SHRM**



05.11.17 Greater Cleveland Middle-Market Forum

Our annual forum will offer insightful and informative presentations on hot topics that are impacting Northeast Ohio middle-market companies.

We'll also provide plenty of opportunities to network with more than 200 Northeast Ohio middle-market executives and decisions makers.

Sponsored by



06.07.17 GCP Annual Meeting

Please mark your calendar and plan to join more than 1,100 business and community leaders on Wednesday, June 7 from 4:30



The lunch plenary session was a conversation with Sara Shookman, co-anchor, WKYC Channel 3, led by GCP President Joe Roman.

Sara shared her intern experiences and how they helped launch her career in broadcast journalism.

Breakout sessions for employers

"The School/Business Partnership: Explaining the Value of All Experiential Learning Opportunities"



Our panelists (left to right in photo) discussed how educators and businesses are teaming up to create partnerships that provide students with real-world work experiences.

- Katrina Myers, Director, Academies of Cleveland, Cleveland Metropolitan School District, moderator
- Stacy Johnson, Manager, External Education, The MetroHealth System
- Michael Sheppard, Superintendent, Berea Schools
- Jessica Colombi, Executive Director, Career Services, Cleveland State University

to 7:30 p.m. at the Hilton Cleveland Downtown.

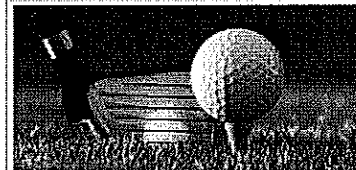
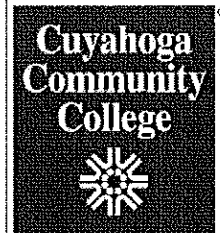
The program will feature an update on our priorities, a preview of the projects and initiatives that we will embark upon as a part of our new strategic plan, and more.

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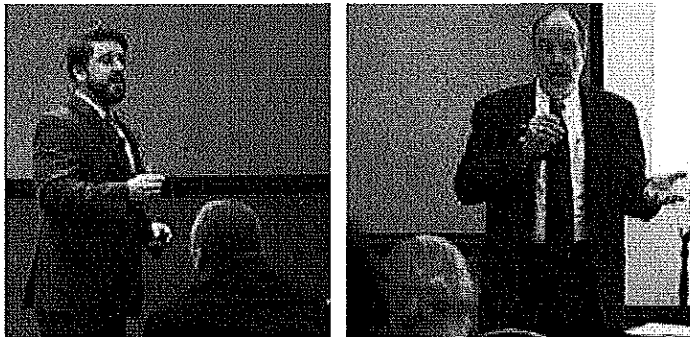
07.24.17 GCP Member Golf Outing

We're planning a full day from 11 a.m. to 7:30 p.m. that will include lunch, lots of golf and dinner at Kirtland Country Club in Willoughby.

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"The Legal Aspects of Internships: Legal Issues Employers Should Know" and "Diversity & Inclusion in Internships"

James McWeeney, attorney, Walter Haverfield LLP (photo left), provided answers to legal questions about internship programs that employers need to know.

Gary Szelagowski, assistant vice president, talent management, Federal Reserve Bank of Cleveland (photo right), discussed how to ensure that your internship program is diverse and how to use your internship program as a tool for sourcing diverse talent.



"Career Readiness: Are Today's Students Ready for the Workforce?"

Attendees at this session heard from representatives of local employers who provided their perspectives on talent development, training, and correcting behaviors in their internship programs.

The panelists are (left to right):

- Amy McMullen, University Relations Lead, The Lincoln Electric Company
- Peter Anagnostos, VP, Marketing, Communications and Community Outreach, MCPc
- Ashley Rivera, Campus Recruiting Manager, Union Home Mortgage

03.01.17 Intellectual Property Webinar

This one-hour webinar, presented by NEOTEC/Northeast Ohio Trade & Economic Consortium, will feature expert patent attorneys who will discuss how to protect your patents and trade secrets, proper use and registration of trademarks, and new developments in trade secrets.

Internal Partners



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- Sandra McKnight, Executive Director, Access, Learning & Success, Cuyahoga Community College, moderator

Breakout sessions for students

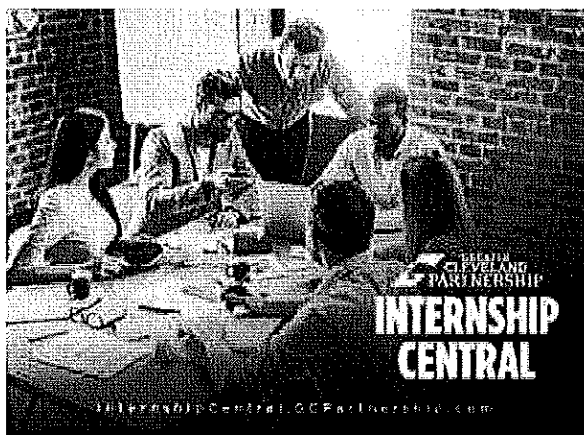


"Your Personal Brand" and "The Intern Experience from the Intern's Perspective"

Andy Halco, CEO of Insivia (photo left), provided tips on building a positive personal brand and how to use it to get an employer's attention.

"The Intern Experience" panelists shared tips and experience to help fellow students make the most out of their internship. The panelists are (left to right):

- Angela Finding, Director, Education and Workforce Development, Greater Cleveland Partnership, moderator
- Samuel Braun, Development Associate, Neighborhood Family Practice
- Khalid Ali, Program Coordinator, Neighborhood Leadership Institute
- Allie Dumski, Ohio House of Representatives

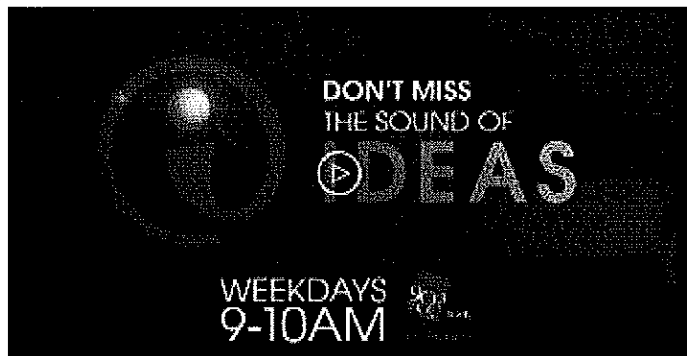


Where to access internship resources

The Cleveland Internship Summit is one component of the Greater Cleveland Partnership's 2s Internship Central portfolio of resources to assist both employers and students who are trying to manage their internship experiences.

GCP Internship Central was created to be a "one-stop shop" for employers and students who recognize the value of internships and other out-of-school learning experiences but need some aid navigating through the process.

Visit our blog at InternshipCentral.GCPartnership.com where you'll find information on how to start an internship program, manage internships, experiential best practices and much more.



In case you missed it: Internship Summit media coverage

Prior to the event, "The Sound of Ideas" on 90.3 WCPN featured a segment about the Greater Cleveland Partnership's Internship Central initiative and the Internship Summit with:

- Shana Marbury, Vice President of Strategic Initiatives, Greater Cleveland Partnership
- Jessica Colombi, Director, Career Services, Cleveland State University
- Samuel Braun, Development Associate, Neighborhood Family Practice
- Nneka Maceo, Cleveland State University Graduate, Former Intern

Click to listen.

As part of ideastream's "Listening Project," several summit participants were interviewed during the event.

[Click to listen.](#)



**Input needed on a potential new talent offering
for our members**

Talent is one of the largest issues that businesses face. Both attracting and retaining a qualified workforce is a top priority.

One specific piece of the talent equation—dual-career families—is sometimes a challenge to the success of employee relocations to a new market.

The Greater Cleveland Partnership is working to determine if there is value for our members in a potential new service—a Dual Career Network—for dual-career families and “trailing spouses.”

The network would help the spouses/partners of relocated employees with their local job search. Members of the network would host networking events with recruiters from GCP-member companies.

Join our focus group discussion

The GCP is convening a focus group around the Dual Career Network concept on **Wednesday, February 22** from 8:30 to 10:30 a.m. at the GCP offices, 1240 Huron Road East in Playhouse Square. It is open to our member-company CEOs and/or VPs of human resources, talent or workforce development.

If you are interested in attending, please RSVP to Shana Marbury at smarbury@gcpartnership.com or 216.592.2249.

[Read more.](#)

Emerging leaders wanted for GCP LEAD; nomination deadline extended

We are accepting nominations of emerging leaders from Greater Cleveland Partnership member companies for the 2017 GCP LEAD Cohort 2. **The deadline for nominations has been extended to Monday, February 27.**

GCP LEAD (Link. Engage. Advocate. Develop.) was created because the GCP recognizes the importance of cultivating our region's future business and community leaders through becoming engaged in the GCP's work.

The GCP LEAD group will be an exclusive cohort of emerging leaders from member companies with at least five years of professional experience and an interest in getting involved in the areas of economic development, education and workforce, advocacy, diversity and inclusion, business development, or physical development.

Learn more.

Learn strategies to stay ahead of your competition

How can middle-market companies stay ahead in increasingly fast-paced and global competitive environments?

Please join us on **Thursday, February 23** at our first middle-market forum of 2017 where thought leaders Peter Grimm (photo left) and Beau Oliver (photo right) of Cipher Systems will engage attendees in an insightful discussion on how companies and organizations can incorporate out-of-the-box thinking to better understand their markets, identify opportunities, and drive innovation.

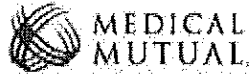


Click to read more about them.

Our program on "Innovation and Competitive Intelligence" will be held from 7:30 to 9 a.m. at the GCP Offices, 1240 Huron Road East in Playhouse Square.

[Click to register](#)

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COMMISSION
ON ECONOMIC INCLUSION

Online Diversity Assessment now available

The Commission on Economic Inclusion's new online Diversity & Inclusion Organization Assessment can now be accessed for completion.

It is available to all Greater Cleveland Partnership members as a benefit of membership. We encourage you to take advantage of this great opportunity!

Employers who complete the Assessment will receive immediate feedback upon making their final submission, along with suggested resources that can be useful for internal diversity and inclusion strategic planning.

If you have previously completed the survey and have not received your confidential link and password, or if your organization is interested in completing the Assessment for the first time, please contact Scott Harrington at sharrington@gcpartnership.com or 216.592.2213.

[Read more.](#)

The Commission on Economic Inclusion is a program of the Greater Cleveland Partnership.



Apply now for the 2017 Best of Tech Awards

Applications are now open for OHTec's 2017 Best of Tech Awards, which will be presented on Thursday, April 27 as part of 2017 Tech Week.

The awards, which have been presented for the past 11 years, recognize successful companies, innovative products and inspirational leadership.

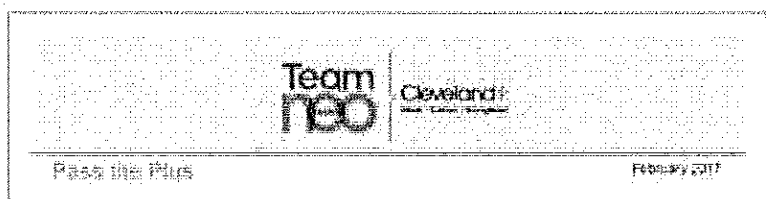
The deadline to complete your application is Friday, March 3. Finalists will be announced on Friday March 24, and winners will be honored at the Best of Tech Awards Dinner on April 27.

[Learn more.](#)

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OHTec is a program of the Greater Cleveland Partnership.



Share the positive: Pass the Plus!

You can read positive news about Cleveland and Northeast Ohio in the monthly "Pass the Plus" e-newsletter.

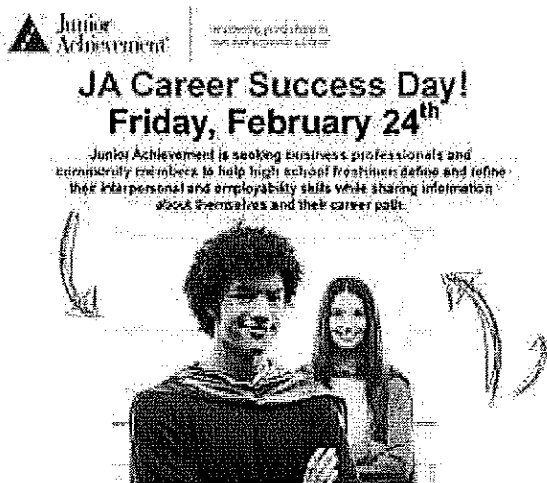
In this month's issue of "Pass the Plus," read how NASA Glenn's Plum Brook Station in Sandusky is serving as a key testing ground for the space agency's latest aviation experiments and technologies.

[Click to read the newsletter.](#)

[Click to subscribe](#) and start sharing our region's good news with your networks of colleagues, friends and family.

"Pass the Plus" is a Cleveland Plus/Team NEO free monthly e-newsletter that provides informative news and information related to the many positive developments shaping Northeast Ohio.

Cleveland Plus and Team NEO are part of the economic development system that the GCP helped to create and continues to support.



Business volunteers needed for JA Career Success Day

Junior Achievement (JA) is seeking business professionals and community members to help high school freshmen define and refine their interpersonal and employability skills while sharing information about themselves and their career path.

During JA Career Success Day on **Friday, February 24**, volunteers will spend the day in the classroom using interactive lessons provided by JA to prepare students for success in tomorrow's workplace.

There are volunteer opportunities from 8 a.m. to 2:30 p.m. at these Cleveland Metropolitan School District Academies of Cleveland high schools: Garrett Morgan, Jane Addams, Max S. Hayes, Martin Luther King Jr., and Washington Park.

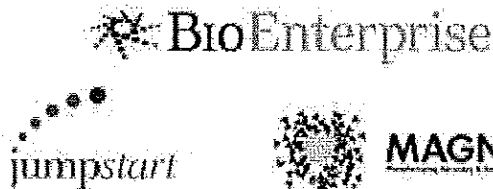
For more information, contact Marc Malleske, JA program coordinator, at mmalleske@jacleveland.org or 216.861.8080.

A CATALYST FOR OUR COMMUNITY.

Chemical Bank aims to create a personal bond with each community we serve and every business, family or customer that walks in our door. Learn more at ChemicalBank.com.



Our External Partners



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OHIO REPORT

GONGWER

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News

Bill Tracking

Legislation

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

Bill To Start School After Labor Day Will Get Thorough Review, Lehner Says

Victim's Rights Group Announces Campaign Kickoff

Lawmaker: CAUV Formula A 'Major Butt-Kicker' For Farmers

Insurers, Regulators Eyeing DC For Health Policy Changes

Survey Shows Restaurant Owners Optimistic; Cedar Fair Has Record Fiscal Year; Diebold, DDR Report Financials

Supplemental Agency Calendar

Supplemental Event Planner

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Finance: State Government & Agency Review Sub.

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Volume #86, Report #31 -- Wednesday, February 15, 2017

House Passes Bills Dealing With Cocaine, Taxes, Gambling; Speaker Talks Collective Bargaining

Legislation to change how cocaine is accounted for in drug convictions passed the House unanimously Wednesday.

The House also advanced bills updating the state's tax code to align with federal changes and allowing Ohio casino employees to gamble at other casinos.

The cocaine bill (HB 4⁰⁰) passed unanimously after House members voted 95-1 to incorporate an emergency clause. That bill is designed to clarify the statute for how penalties for cocaine possession are assessed based on the amount of cocaine after an Ohio Supreme Court ruling interpreting the existing language, sponsor Rep. Robert Cupp (R-Lima) said. (See Gongwer Ohio Report, February 14, 2017)

The Supreme Court's decision in *State v. Gonzales* said the state must prove the actual weight of the cocaine included in compounds, excluding filler material, to use the amount for sentencing. Rep. Cupp said it would be costly and time-consuming for the state to invest in the laboratory equipment to prove that for these cases.

"The practical fact of the court's decision was to make every cocaine violation a fifth-degree felony unless the cocaine was pure," he said.

Rep. John Rogers (D-Mentor-on-the-Lake) said the bill, with the emergency clause, is needed now because there is currently no added penalty for trafficking in large amounts of cocaine compared to small amounts.

"As the law now stands, drug dealers and traffickers are incentivized to traffic in large quantities of cocaine," he said.

The House also voted unanimously to pass a bill (HB 11⁰⁰) to update the state's tax code with changes in federal law.

"As a CPA, I am well aware some of the tax laws can be a bit dull and difficult to understand, however this legislation is necessary so we can ensure Ohioans are able to fully benefit from the new federal laws this tax season," sponsor Rep. Gary Scherer (R-Circleville) said in a statement.

The other bill passed by the House (HB 32⁰⁰) would allow casino employees to gamble at other unaffiliated casinos in the state. Sponsor Rep. Bill Seitz (R-Cincinnati) said it simply gave casino employees the same right already given to racino employees.

"The only limitation by this bill is that you cannot be employed by or affiliated with the casino at which you are playing," Rep. Seitz said.

Speaker's Comments: Speaker Cliff Rosenberger (R-Clarksville) told reporters after session that while a number of his caucus members are supportive of recently introduced "right-to-work" legislation (HB 53), it's not a focus for leadership.

"We're always going to have members that want to introduce bills and do things. That's in their prerogative to do," he said. "We'll have conversations with the caucus, but I don't know that we have a game plan going forward."

The speaker said many in the legislature remember what happened with the last attempt at similar legislation (SB5, 129th General Assembly), which was repealed by voters. There might not be broad enough support for it, he said, though the state is facing pressure as more states implement similar policies.

"Ultimately for the state, the right-to-work pathway is one which is probably taken to the ballot," he said.

Critics Take Aim At Several Portions Of Transportation Budget

Detractors of certain aspects of Gov. John Kasich's proposed two-year transportation budget on Wednesday spoke out against tax policy changes in the bill, urged more funding for public transportation and lobbied for increased fees for deputy registrars.

Testifying before the House Finance Committee, Matthew White, general counsel of IGS Energy, and Jason Phillips, policy director for Clean Fuels Ohio, both disagreed with a portion of the budget (HB 26) that would allow for the 28-cent-per-gallon Motor Fuel Tax to be levied on compressed natural gas. (Redbook)

Mr. White told the panel that the proposal would harm the fledgling industry while generating little revenue for the state.

"It would be unwise to now impose a tax on CNG in such an expedited manner without studying how the tax may harm the industry and without looking at the complexities of the tax code to ensure any tax is applied fairly," he said in testimony.

Rep. Alicia Reece (D-Cincinnati) questioned Mr. White on if he would be open to a phased-in approach.

In response, Mr. White said a phased-in tax may be appropriate when the CNG market share grows from its current 1% to 3% or more, but not in the current budget cycle.

"We would support a broader study of CNG, including how to incentivize it and how to make it work best for the state of Ohio," he said.

Rep. Adam Miller (D-Columbus) asked how much the federal alternative fuel tax credit weighs on his opposition to the MFT being imposed on CNG. Mr. White said given the political changes in the nation's capital, he is not hopeful that the federal tax credit will be renewed.

Mr. Phillips told the panel that financial incentives should be paired with the tax if it is imposed.

"Pennsylvania and other states that currently tax CNG pair this tax with a very healthy financial incentive to offset a new tax that would hurt the ROI," he said in testimony. "Pennsylvania has had an incentive program for several years, allocating over \$25 million to alternative fueled vehicle projects. It has been so successful that they have renewed the program."

Jeffrey Erb, president of the Ohio Association of Convenience Stores, raised concerns in his testimony over a proposal to change the point at which the MFT is collected. The proposed change would allow for the MFT to be collected at the refinery rack starting in 2018. Currently, the tax is paid at the wholesale level, giving business owners about a month after purchasing the motor fuel to sell it and collect taxes from customers before paying taxes to the state.

The change in the point of collection for the tax could generate as much as \$92 million per year in revenue, according to the Legislative Service Commission.

Mr. Erb said the change would negatively impact small businesses.

"I asked myself who would benefit by this change. The only answer I could come up with that made sense was big oil. They will be the ones to hold the excise tax if this change is made. There certainly is no crisis in collecting the excise tax now. The Ohio Business Gateway is very efficient for reporting and collecting the tax," he said.

"I also don't see this as being particularly helpful to the government. I hope the government does not see itself as more important than the honest hard working businessmen that produce goods and services that actually allow the government to function."

Rep. Rob McColley (R-Napoleon), the bill's sponsor, said in a recent interview that amendments are likely to address both of those issues. He also said a potential change allowing deputy registrar fees to increase could be in the works. (See Gongwer Ohio Report, February 13, 2017)

Aldo Filippelli, president of the Ohio Deputy Registrars' Association, said in his testimony that a fee change is warranted given the current \$3.50 level was set in 2004.

He requested the fee be boosted by \$2.50 with additional increases of 50 cents in 2020 and 2021.

Rep. Robert Sprague (R-Findlay) questioned if it would be more appropriate to phase in such an increase over time.

Mr. Filippelli said that may have worked six or seven years ago, but at this point he is losing employees because of the salaries he is able to pay.

Joe Bowsher, a deputy registrar for the past two decades, said that since the last fee increase, operating costs have increased significantly.

"As an employer, I find that the wages that I pay are below other employers in my area including Wal-Mart, White Castle and most non-skilled positions. As a small business owner, it frustrates me that my employees are paid \$10 per hour with little or no benefits, and the state employees in the same job are earning \$6 more each hour plus benefits," he said in testimony. "For me to raise wages for my staff to the same amount as state employees would cost me over \$120,000 per year, not including taxes and benefits."

Rep. Dan Ramos (D-Lorain) questioned Mr. Bowsher on the number of his employees that receive public assistance. "The state of Ohio is not saving any money if your employees are on public benefits," he said.

Mr. Bowsher said that at least one of his 13 employees receives public assistance.

Several proponents of public transportation also urged lawmakers to make additional investments in the area.

Jason Warner, manager of government affairs at the Greater Ohio Policy Center, applauded a proposal to use federal money to increase funding for public transportation by \$10 million for a total of \$33 million. However, he said the state could do more and suggested that an additional \$17 million in federal funds be flexed for public transportation.

"Setting aside a total of \$50 million in FHWA funding to public transit will result in 7.5 fewer miles of highway expansion, or 24 miles of highway repaired per year. For perspective, ODOT paved 5,564 lane miles in 2015," he said in testimony.

"Allocating \$50 million per year of FHWA funds to transit-related capital investments will have negligible impact on Ohio's crucial highway maintenance and construction programs, while significantly improving safety, performance, and use of Ohio's public transportation systems."

Asked about the impact that public transportation can have on the tourism industry in a city, Mr. Warner used the example of Cleveland, which hosted the 2016 Republican National Convention, and Columbus, which lost out to Philadelphia for the Democratic National Convention. Public transportation played a major role in that, he said.

"There was no other method for them to get down to where the main convention site was going to be," he said of Columbus and the lack of transportation options from John Glenn International Airport.

Nathan Alley, transportation policy coordinator for the Ohio Chapter of the Sierra Club, echoed many of those sentiments in his testimony. He told the panel that for every \$1 invested in public transit, it generates \$6 in economic activity.

"We appreciate the allocation of additional flex funding to transit in this proposed budget, but even with that allocation, it is our understanding that transit would still be left with a \$20 million deficit because of anticipated changes to our state sales tax structure," he said.

"Please do all that you can in this budget cycle to ensure that we achieve economic development, increase employment opportunities, reduce urban sprawl and congestion, and create more livable communities for all Ohioans."

Akshai Singh of Ohio for Transportation Equity told the panel that the state needs to invest \$192.4 million in capital and \$96.7 million in operating funds just to meet existing demand for public transportation services.

"Ohio needs a 21st century transportation system, made up not only of roads and highways, but also a complete network of affordable, accessible, and sustainable transportation options, including public transit, passenger and freight rail, electric buses and vehicles, and walk-able, bike-able streets. We need at least \$300 million a year - to address the cost of backlogged capital needs, and start to build a system of transit alternatives for the future," he said in testimony.

Katie Frederick, executive director of the American Council of the Blind of Ohio, asked lawmakers to increase funding for public transportation from its current level of 1% to 10%.

The Cincinnati chamber applauded the \$10 million increase in funding for public transportation, saying it will allow the Southwest Ohio Regional Transit Authority to replace aging and outdated vehicles.

"At the beginning of this year, SORTA had 63 buses past their 12- year useful life," the group wrote. "Every year beyond this threshold means increased operating and maintenance costs. A 15- year- old bus costs 133% more to maintain than a 10- year- old bus. As of January, Metro had 40 buses that are 15 years old or older, resulting in more than \$500,000 in additional annual operating expense. This additional \$10M can help unlock federal resources to more rapidly replace the outdated fleet that currently transports people throughout our region."

The group also said that it would be supportive of an amendment to increase funding to Transportation Improvement District across the state. It also noted its support for increased investment in transportation technology.

"As you review programs to pilot innovations in transportation, we look forward to working with you to identify opportunities in southwest Ohio to deploy new technology and bring our state to the fore of innovation in transportation," it wrote.

Also providing testimony was Shane Lieurance, a deputy registrar, and the Cincinnati USA Regional Chamber, the latter in written form.

Senate Committee Debates Bill On Poll Workers, Death Notifications By Election Boards

A Senate panel Wednesday questioned a bill that would reduce the minimum number of election officials needed at certain precincts and change requirements for boards of elections to notify households when deceased individuals are removed from voter rolls.

Members of the Senate Government Oversight and Reform Committee said they wanted to ensure polling places have proper supervision and that people know if they are mistakenly removed from voter rolls.

The bill (SB 21) would grant permissive authority for county boards of elections to reduce the minimum number of election officials from four to two in multi-precinct locations that use electronic poll books, sponsor Sen. Joe Uecker (R-Loveland) said.

"Electronic poll books are revolutionizing voting in precincts across Ohio," he said. "These digital tablets are currently utilized by fifty-five counties. Their use will continue to increase as more counties take advantage of enacted state funds to assist in the cost. Electronic poll books eliminate reliance on traditional paper poll books creating a better and more efficient experience for voters and poll workers."

That authority is permissive, meaning boards of elections would have the right to do so but would not be required, he said.

Sen. Edna Brown (D-Toledo) said she was worried the county board would be pressured to cut costs even if they didn't think it was the best course of action.

"My concern is that county commissioners might pressure boards of elections to make these reductions and then perhaps cause other problems," she said.

Sen. Uecker said the bill would help county boards in areas where one party is dominant and they have trouble finding enough election officials of the other party.

"I think it makes a more proper as well as a more efficient election process," he said.

Sen. Brown suggested the bill require it to be a bipartisan decision by the board of elections to reduce the number of election officials required, and the sponsor said he'd be open to exploring possible amendments.

Sen. Frank LaRose (R-Hudson) said he was worried that having fewer election officials could mean there would be times when only officials from one party were working.

"When there's only two, my worry would be that during the normal ebb and flow of the day as people take a lunch break, a bathroom break, that you have bipartisan oversight," he said.

The bill would also remove a requirement that a board of election send notice to a person's address when the board cancels a voter registration because it received a report of his or her death. Families have complained to boards of elections, Sen. Uecker said, about the emotional toll of receiving such notices.

Sen. LaRose said he was concerned that removing the requirement could lead to voters accidentally being removed from the rolls and not finding out until they go to vote. He said that recently happened to a Legislative Service Commission staffer.

"The idea was that just like any other change in voting status, there would be a notification sent to the household," he said.

Sen. Michael Skindell (D-Lakewood) said stopping the notifications could lead to some people being unable to vote. That outweighs the concerns of families who are upset by receiving the notification, he said.

"Causing cancellation is the greater harm," he said.

Sen. Brown said she would like to hear more from county boards of elections about how they receive death notifications.

Sen. Uecker said he would be open to whatever the committee decides to do with the provision, but asked that members keep an open mind and hear testimony from local election officials.

Dating Protection Order Bill Eyed For Quick Committee Approval

A priority House bill to permit domestic partners to obtain civil protection orders appears poised for quick committee passage, according to the committee's chairman.

The measure (HB 100) would close a loophole that sponsor Rep. Emilia Sykes (D-Akron) said "leaves thousands of Ohioans without recourse in the event of dating violence."

After a first hearing Wednesday featuring emotional testimony from domestic violence survivors and advocates, House Civil Justice Committee Chairman Rep. Jim Butler (R-Oakwood) said the bill should move quickly.

"We'll probably have it for a possible vote next week," he said.

That's good news for Rep. Sykes and other advocates who were disheartened when the bill which had been on the verge of passing fizzled out during the lame duck session when the Senate declined to take a concurrence vote.

In that case, the language from Rep. Sykes and former Rep. Christie Kuhns was amended into a separate bill on the House floor during the final night of session. The Senate then opted not to move the bill, saying the amendment was too "complicated" to pass at the zero hour. (See Gongwer Ohio Report, December 9, 2016)

Now the bill is back with the support of Republican House leadership and with Rep. Nathan Manning (R-N. Ridgeville) stepping in as lead co-sponsor in place of former Rep. Kuhns.

In her testimony, Rep. Sykes said abuse victims who don't meet the statutory definition of domestic violence have too little recourse to protect themselves and their children.

"House Bill 1 is necessary because Ohio currently defines domestic violence as violent acts occurring between spouses, family members, those cohabiting, living as spouses, or individuals who share a child in common," Rep. Sykes said. "People in ongoing, substantial, intimate, and dating relationships are not included."

Rep. Manning emphasized the bill would not create an additional class of protection order. Rather, it would fold domestic partners into those eligible to apply for existing orders.

"Due to the risk of ongoing violence in these situations, it is important that all victims of abuse have resources to protect themselves," Rep. Manning said. "Many people argue that a piece of paper is not going to protect someone from harm, but studies have shown that violence stops completely or is significantly reduced when a protection order is in place."

Others testifying in support included representatives from the Summit County Victim Assistance Program, Northeast Ohio Medical University and its police department, and Cleveland Clinic Akron General along with a Summit County Juvenile Court judge.

But perhaps the most powerful testimony came from a pair of domestic violence survivors who described in detail their experience.

Victoria Morgan described having her own protection order request rejected only to see her attacker later force his way into her home and kick her twice down a staircase.

"A lot of times, people only think about the physical signs of abuse," she said. "But the emotional is so much worse. Going through counseling, putting my children through counseling. ... I urge you to pass this bill. It's needed."

Liv Out Loud Founder and CEO Diona Clark recounted her experience in which she ended a relationship, and then her ex-boyfriend arrived at her new home with a gun, trapping her inside.

"After about an hour, he finally let up from the door and I went to reach for the doorknob and he shot me twice at point blank range, once in the chest and once in the wrist," she said.

"My life was spared, but another life could be lost due to lack of proper protection and services to turn to," she continued. "HB 1 can provide adequate help for individuals in need. I am determined to fight for individuals who are victimized; therefore I am determined to fight for HB 1."

Opponents Of 'Pastor Protection Act' Warn Of LGBT Discrimination, But Speaker Expresses Support

Speaker Cliff Rosenberger indicated support Wednesday for a controversial bill on same-sex marriage, which a couple hours later was the target of intense criticism from several clergy members and other opponents.

Similar legislation (HB286, 131st General Assembly) was introduced in the last legislative session but never cleared committee.

However, Speaker Rosenberger (R-Clarksville) said after session the bill (HB 36) is a priority for many House Republicans, and that it would reaffirm protections already enshrined in the Ohio Constitution.

"We have a lot of people in the caucus interested to see something happen with this," he told reporters.

The speaker said his caucus is going to talk more about the bill next week.

"The state constitution already provides for a lot of protections and I think what we'll be doing is passing a bill that just reaffirms that," he said.

Prior to Wednesday's committee testimony, which focused on opponents, Rep. Nino Vitale (R-Urbana) amended the bill with language he said would clarify that it does not invalidate other rights of clergy members.

Afterward, a Democratic lawmaker, nearly a dozen pastors and others denounced the controversial measure, which would codify that no licensed minister or religious organization is required to perform or host a marriage ceremony that does not conform to their religious beliefs.

Delivering testimony to the panel, Rep. Nickie Antonio said the so-called Pastor Protection Act is unnecessary, offensive to members of Ohio's LGBT community and has the potential to damage the state economically.

The Lakewood Democrat said in testimony that both federal and state law provide religious freedom protections that prevent ministers and religious institutions from being forced to take part in wedding ceremonies with which they disagree. She likened the legislation to a controversial North Carolina law that prevented local governments from implementing anti-discrimination laws and forced transgendered individuals to use the restroom of their birth gender.

"If we codify discrimination in Ohio through this bill, we could open the floodgates to confusion and the public's overall disgust with discriminatory legislation," she said. "We need look no further than North Carolina to know that bills that would codify discrimination, don't sell. In North Carolina, PayPal cancelled 400 jobs, Bruce Springsteen canceled his concert, the NBA pulled the All-Star Game, and the NCAA moved its championship games out of state, costing millions, if not billions in lost revenue and payroll."

Rep. Antonio instead suggested that lawmakers move legislation that would ban LGBT discrimination in employment and housing.

"No matter how this debate goes forward I believe it is important for us to remember that we may disagree and discern another person or group to be wrong-but when that discernment causes us to value another person or group less, then we've crossed the line into judgment, condemnation, and exclusion," she said. "I am hopeful we will not cross that line. I respect the members of the clergy who have concerns my hope is that we will experience mutual respect for the dignity and worth of all couples including same sex couples."

Rep. Janine Boyd (D-Cleveland Hts.) asked Rep. Antonio, the first openly gay member of the Ohio legislature, if she and her married partner considered having their wedding ceremony in a place of worship that is not open to non-traditional marriage.

"We went to the place that we knew would embrace us, that would celebrate us," Rep. Antonio replied.

Rep. Michael Sheehy (D-Oregon) asked if she is aware of any lawsuits filed due to a member of the clergy's failure to solemnize a marriage. Rep. Antonio said she is not aware of any such litigation. Even so, she said the bill would not prevent such a lawsuit from being filed.

"With or without this law, anyone in Ohio has the ability to file a lawsuit if they feel they have been wronged," she said.

Rev. Virginia Lohmann Bauman, senior pastor of St. John's United Church of Christ in Columbus, called the legislation "a thinly veiled attempt to legitimize bigotry" and drew a

comparison with the U.S. Supreme Court case of *Loving v. Virginia*, in which the high court struck down laws banning interracial marriage.

"And yet for decades after that case was decided, and in fact, even today, racist pastors in their own churches refuse to marry, with impunity, inter-racial couples they deem unfit to be married in their church," she said in her testimony. "And that right to officiate, or not, in the pastor's own house of worship, is constitutionally protected by our federal and state constitutions. Interestingly, at no time after the *Loving* decision did the Ohio legislature find it necessary to 'protect' pastors from being 'forced' to marry inter-racial couples outside of that pastor's faith beliefs."

Rep. Niraj Antani (R-Miamisburg) took issue with the characterization that the legislation is an attempt to "legitimize bigotry" and questioned Ms. Lohmann Bauman on how she could be so certain that there is no need for the measure.

"There is no precedent for this. How can you say this is redundant?" he asked.

Ms. Lohmann Bauman responded by saying that it is not the job of the legislature to legislate "hypothetical fears" and said that U.S. Supreme Court Justice Anthony Kennedy in the *Obgerfell* decision legalizing same-sex marriage made clear that it would not interfere with religious protections provided by the First Amendment.

Rep. Ron Hood (R-Ashville) questioned whether Ms. Lohmann Bauman was characterizing those members of the clergy who support the measure as bigots. (See Gongwer Ohio Report, February 8, 2017)

"I do believe they are asking the legislature to do something inappropriate," she said, adding that the question would be best answered by each of the members of the clergy supporting the legislation.

Rep. Stephanie Howse (D-Cleveland) asked Ms. Lohmann Bauman if she is aware of any lawsuits filed against a member of the clergy that has refused to conduct a marriage ceremony for any reason.

"There are none that I'm aware of," she said.

Ms. Lohmann Bauman was among 11 members of the clergy that submitted testimony in opposition to the bill.

Rev. Joseph M. Cherry of the Unitarian Universalist Society of Cleveland raised the specter that the legislation could pave the way to allow civil servants to discriminate against members of the LGBT community.

"Civil servants must fulfill the law or face the consequences," he said in his testimony. "They are not subject to exception based upon their faith, religion or tradition. If they do not wish to perform all of the duties that their civil position requires, they are free to seek other employment. No one is conscripted into civil service."

Rev. J. Bennett Guess of the United Church of Christ, who said he refused to sign marriage licenses for the 11-year period in which the ban against same-sex marriage was enshrined in the state constitution, called the bill "a solution in search of a non-existent problem."

"'Bogus' is the only word I have for it," he said in prepared testimony. "While purportedly designed to protect clergy and places of worship from performing or hosting marriages against their wishes, it is unnecessary and a complete waste of taxpayers' time and money."

Opposition testimony, however, was not confined to members of the cloth and Rep. Antonio. Alana Jochum of Equality Ohio told the panel that the legislation gives wide latitude to undefined "religious societies."

"Religious entities play many roles in our state. Catholic Charities and Salvation Army, for example, provide a host of social services, crisis intervention, temporary housing, after school programs, and even food assistance. Many receive state and federal funding to do so, and are obligated to serve everybody equally in these programs," she said in prepared testimony. "Religious entities, therefore, are not always simply 'houses of worship;' they also include entities that engage in commerce -- by operating conference centers, reception halls, engaging in equipment rental, and much more."

Lisa Wurm, policy manager for the ACLU of Ohio, said her organization would defend the freedom of religion if clergy members were required to conduct marriages that violate their religious tenets.

"At the same time, we will not allow the guise of religious freedom to harm others," she said in prepared testimony. "This is what it means when religious liberty turns from acting as a shield to a sword. We've rejected the sword approach during the civil rights era, when religion was used as a reason to refuse integration in businesses and in our public areas. We need to continue to reject it now."

Senate Resumes Debate Over Disposal Of Fetal Remains

Legislation dealing with the disposition of fetal remains from abortions had its first hearing in a Senate committee Wednesday, with some members voicing concerns that it would face legal challenges.

The bill (SB 28) is similar to one introduced last session (SB254, 131st General Assembly) as part of a flurry of legislation that followed an investigation by Attorney General Mike DeWine into the disposal of remains.

The measure's sponsor, Sen. Joe Uecker (R-Loveland), told the Senate Government Oversight and Reform Committee the bill is designed to ensure the proper disposal of remains.

"Last year it was brought to my attention that the Ohio Revised Code does not contain procedures regarding the disposal of aborted infant remains," he said. "In fact, most states lack such policies."

The bill declares that an abortion facility can only dispose of aborted remains through cremation or interment and grants the mother the right to determine the final disposition of remains, Sen. Uecker said. It would also require the Department of Health to maintain records of the woman's decision and the final disposition.

Sen. Kenny Yuko (D-Richmond Hts.), the ranking Democrat on the panel, said similar legislation in Indiana and Texas has been challenged and overturned in courts, and he was worried it was setting the state up for expensive legal issues.

He also said there didn't appear to be any real reason for the bill, as investigations have not turned up a pattern of problems with the disposal of remains.

"I know as legislators, we get contacted by people asking us to look at possible legislation and here's the reason why," he said. "I just can't think of the reason why in this case."

Sen. Uecker said the state should take steps to ensure fetal remains are respected.

"I believe that the right to life is the very first right we have, possibly the most important right we have," he said. "I believe that the way society shows this is crucial."

He also said he believed there were differences between his bill and the legislation in Texas and Indiana, and that it would be more likely to withstand judicial scrutiny.

Sen. Frank LaRose (R-Hudson) asked if the bill would apply to all fetal remains or just those from surgical abortions. The sponsor said it would only apply to the remains from surgical abortions.

Sen. Michael Skindell (D-Lakewood) asked if it was appropriate for the state to single out one kind of fetal remains.

"What state interest is being served by the unequal treatment of just surgical fetuses versus any other fetal death?" he asked.

Chairman Sen. Bill Coley (R-Liberty Twp.) said he and the committee will take a serious look at vetting all of the legal implications of the bill with the hopes of avoiding burdening the state with lawsuits.

Senate Advances Measure Creating Perry County Municipal Court

Once again, the Senate unanimously passed legislation to establish a county municipal court in Perry County.

The latest 33-0 vote, during a session Wednesday, marked the third time the chamber has approved the bill. In the most recent instance, the bill cleared the Senate, only to be held up in a House committee during the 2016 lame duck session. (SB 299, 131st General Assembly)

"This will be the third time this body has voted on this and it's my hope the House can act expeditiously on it and we can secure timely order of justice for the citizens of Perry County," sponsor Sen. Jay Hottinger (R-Newark) told colleagues on the Senate floor.

In addition to creating the court, the bill (SB 25) authorizes one full-time judgeship and provides for the nomination of that judge by petition. Upon its effect, the bill would abolish the existing Perry County Court and designate the county's clerk of courts as the clerk of the newly formed court.

Supporters - including the Ohio Supreme Court - say the court is needed after New Lexington eliminated its mayor's court in 2013, a cost-saving move that increased the caseload of other county courts from 1,800 cases a year to between 5,000-6,000 cases a year.

The bill contains an emergency clause, which was accepted by a 33-0 vote. That provision was necessitated, Sen. Hottinger said, by a committee amendment requested by the Ohio Supreme Court.

Added earlier this week, the amendment allows members of the Criminal Justice Recodification Committee to continue serving after they're no longer officeholders.

The Senate also unanimously passed a resolution (SCR 4) that permits the Senate President and House Speaker to appoint individuals to write arguments for and against proposed constitutional amendments.

Similar provisions have been passed unanimously each session since 1974, said sponsor Sen. Bob Peterson (R-Sabina).

Obhof Gaggle: Speaking to reporters after session, Senate President Larry Obhof (R-Medina) said he anticipates the chamber will act quickly on approving the governor's request for a joint session April 4 in Sandusky for the State of the State address. (See Gongwer Ohio Report, February 13, 2017)

Formal resolutions to convene the joint session had not been introduced by lawmakers in either chamber as of Wednesday afternoon.

"I think it's a great opportunity to showcase some of our natural resources, particularly the lake," he said. "I've spoken with (Sen. Randy) Gardner several times about possible activities up there and I think this will give us a chance to focus on some of the water quality efforts we've done over the last few years and maybe some that are coming up and to highlight Ohio's tremendous tourism industry."

He said the Senate could hold two or three committee meetings on site in Sandusky, although no firm plans have been made.

Asked about the recent introduction of a House right-to-work bill (HB 53), Sen. Obhof said the issue isn't a priority for Senate leadership.

"As with any piece of legislation, we'll give thoughtful consideration to anything that comes to our chamber," he said. "I would say you'd have to speak to the individual caucus members but we have done significant reforms in recent years.

"I'm not aware of anybody in the Senate that plans to introduce a bill about that subject but there are 33 members and I haven't called the other 32 to see where everybody is on what bills everyone's introducing. I don't micromanage like that," he continued.

Bill To Start School After Labor Day Will Get Thorough Review, Lehner Says

It is unlikely that watchers of a bill that would move the first day of school to after Labor Day will know soon whether it has the Senate Education Committee's support.

Chairwoman Sen. Peggy Lehner (R-Kettering) said she's planning for long discussions on the bill (SB 34) as well as another to create a funding program for school technology infrastructure upgrades (SB 8).

"I think both of the ones that were in (committee) today are going to require a fair amount of hearings," she said.

The panel will also extensively review anticipated legislation on end-of-course exams and student suspensions in addition to a recently referred bill (SB 39) addressing questions about e-school attendance tracking, she said.

The school start date measure, sponsored by Sen. Gayle Manning (R-N. Ridgeville), has generated considerable buzz among school districts and parents since it was first unveiled late in the last General Assembly.

Waiting to open schools until after Labor Day would alleviate issues caused by a lack of air conditioning or functioning windows in schools when it is hot, as well as give families more time to vacation, Sen. Manning said.

"This additional vacation time for families also helps to promote economic activity," she said. "This can create and maintain jobs, providing additional local tax revenues that support our schools and local public safety resources."

Sen. Manning stressed that the bill shouldn't interfere with local control because it has an opt-out provision allowing school boards to continue setting the start dates of their choosing. Boards would be required to hold a public hearing before voting to opt out.

The change from calculating the school year in days to hours would also make it possible for districts to maintain their current end dates while pushing back the start date, she added.

While tourism industry leaders are expected to once again testify in support of the measure that they say will benefit the state's economy, it's likely many school districts won't be in favor.

Sen. Lehner said after the meeting that she's "open to" starting school in September because other states already require it without issue. However, she acknowledged there could be logistical problems and that public hearings on the issue have the potential to cause rifts between schools and parents.

"At what point does it become an opt out versus a, 'Hell no we won't go,'" she questioned.

Regardless of concerns and the inability of the proposal to pass through previous legislatures, the chairwoman at the end of Wednesday's discussion promised Sen. Manning that the bill will continue to be seriously considered.

The committee also heard sponsor testimony on a bill to allow schools that are low on the School Facilities Commission's priority funding list to receive dollars now for technology and safety upgrades. A companion measure (HB 37) started its journey through the House Education and Career Readiness Committee on Tuesday. (See Gongwer Ohio Report, February 14, 2017)

Joint sponsor Sen. Randy Gardner (R-Bowling Green) said he'll be pushing to move the bill through the upper chamber before spring break.

"This was a recommendation in Senate Bill 3 (in the 130th General Assembly), but this amps this issue up another notch to do something that we believe can be very meaningful for schools and school children around the state," he said of the bill that would require the School Facilities Commission to create a technology infrastructure funding program as opposed to current law that permits it.

Sen. Gardner told committee members that the two-page bill would give OSFC the ability to structure the program in the way it deems best after receiving input from stakeholders.

Despite his optimism that the bill will be reported out of committee in the next few weeks, Sen. Lehner said it will likely require multiple hearings and stakeholder meetings to continue "ironing out some of the questions."

She suggested that the sponsors consider whether charter schools would be eligible for the funding and Sen. Vernon Sykes (D-Akron) raised questions about if and how district priority would be determined.

Victim's Rights Group Announces Campaign Kickoff

Law enforcement officials and advocates on Wednesday announced the official kickoff of a statewide campaign to enshrine new requirements for the treatment of crime victims into the Ohio Constitution.

Supporters of the so-called Marsy's Law, named after a murder victim who died in 1983 and patterned after similar laws in other states, appeared at a Statehouse news conference and urged support for the changes, which if the coalition is successful would appear on the Nov. 7 ballot.

The Marsy's Law for Ohio amendment would mandate that crime victims: Receive notification of all legal proceedings; are provided the opportunity to be heard during the various steps of the process, such as parole hearings; are allowed to give input on plea deals; and are provided restitution resulting from the financial impact of the crime.

"By placing guarantees into the Ohio Constitution that a victim's rights will be protected, Marsy's Law for Ohio will be another important tool for prosecutors in the battle to help crime victims," longtime Franklin County Prosecutor Ron O'Brien said in a statement.

While the state's constitution already includes some protections for crime victims, supporters of the amendment say they don't go far enough.

"The rights of crime victims are too important to be allowed to fall through the cracks in the criminal justice system," Franklin County Sheriff Dallas Baldwin said. "I have long believed that the rights of crime victims should be respected just as much as the rights of the accused. Marsy's Law for Ohio is a much-needed change to Ohio's constitution."

Also appearing at Wednesday's event were representatives of crime victim advocacy groups and survivors of violent crimes.

"My rights as a victim in the domestic violence case against my husband were routinely violated and no one in the system seemed to care," crime victim Danielle Morlan said. "Marsy's Law for Ohio will change that and give crime victims the ability to protect and enforce their rights."

The campaign committee was cleared to begin collecting signatures last week when the Ohio Ballot Board agreed the proposal constituted a single issue. (See Gongwer Ohio Report, February 8, 2017)

Supporters have until July 5 to gather 305,591 valid signatures and meet other requirements to qualify for the fall ballot.

Lawmaker: CAUV Formula A 'Major Butt-Kicker' For Farmers

Sen. Cliff Hite (R-Findlay) on Wednesday renewed his effort to overhaul the Current Agricultural Use Value tax formula in testimony before the Senate Ways & Means Committee.

The proposal he outlined (SB 36) is identical to his prior bill on the subject (SB246, 131st General Assembly), he said. But he's hoping this year's bill will fare better than the last, which received six hearings in the Senate but failed to advance beyond committee.

"I understand the angst. I'm sure the Department of Taxation is going to pull their hair out," Sen. Hite said. "We've been thinking about this and talking about this for a long time. It's time to do something. It's time to give relief to these farmers."

Farmer groups for their part have already vowed to "carry the CAUV fairness fight into 2017." They say the formula that has worked fine for decades has become skewed and is driving up their tax burdens, threatening to force them out of the profession. (See Gongwer Ohio Report, December 20, 2016)

Opponents, including statewide school groups, have previously opposed the change out of concerns it will negatively impact school funding.

Predicting that those concerns will return before the committee in testimony this session, Sen. Hite urged lawmakers to put themselves in the position of farmers.

"If any of you were doing your taxes this time of year and you discovered your taxes were going to go up 300% you would freak out, especially if you're on a fixed income, especially if you're a brand new, let's say, farmer trying to get started," he said."

The bill would prohibit the use of certain nonagricultural factors in the valuation of farmland, which the sponsor said would improve the accuracy of the formula.

"Including these assumptions has no bearing upon the land's capability to produce agricultural income, which is the sole purpose of the CAUV formula," he said. "These factors arbitrarily inflate the value of farmland based on market considerations and do not in any way account for how much income is achieved."

The bill would also remove disincentives to engage in conservation practices, which he said undermines the formula's original intent to preserve land.

"If I don't have an incentive to keep my woodlands, I'm going to plow them down and make more money," Sen. Hite said. Although that is currently happening, he said, it's not yet occurring on a large scale.

He acknowledged that the taxation percentage for some farmers is currently going down, but asked lawmakers to keep that in perspective.

"To me going from (a) 350% (increase) to 310% is going down but, in layman Coach Hite language, it's a major butt-kicker anyway," he said. "It's not even apples and oranges. It's like apples and squirrels."

In response to questions, Sen. Hite committed to providing specific numbers on several aspects of the issue to senators moving forward. Among the unanswered questions was how the CAUV applies to urban farmers.

Sen. Hite did express support for an idea from Sen. Louis Terhar (R-Cincinnati) to implement a "collar" on the formula so that the taxes owed in any one year could not rise above or drop below specific levels.

"But there's a caveat," Sen. Hite replied. "The formula from the '70s has the capacity to also go down and so if you change that formula the chances of going way down would be eliminated with the (collar). I don't know what is better."

Sen. Peggy Lehner (R-Kettering) requested more detail on woodland preservation regarding the CAUV. Sen. Hite replied that the woodland in question is typically small and serves as a wind or snow buffer. Under the current formula, however, farmers stand to gain money from clearing that land to free up new farmland, he said.

Sen. Bob Hackett (R-London) agreed that something must be done. He criticized a time lag present in the formula in which farms going through tough times are still paying taxes for healthy years from 2012 and 2013. Meanwhile, he said, the industry is struggling with historically low interest rates and simultaneously high crop prices.

"We just have to update the rules and make them fit the times," Sen. Hackett said.

Sen. Bob Peterson (R-Sabina) agreed the historically low capitalization rates have "skewed the formula" and forced land values to be higher than they should be.

Predicting a robust discussion on the issue as the bill moves forward, Sen. Hite requested committee members keep in mind the importance agriculture plays in Ohio's economy. Potential farmers are being deterred from entering the profession, he said.

"We can't allow that to happen when it's our number one industry in the state of Ohio," he said. "This is a change to make sure we preserve that."

Insurers, Regulators Eyeing DC For Health Policy Changes

State insurance regulators and the health insurance industry are closely monitoring the federal debate over the future of the Affordable Care Act to determine the impact that changes could have on Ohio consumers and the marketplace, stakeholders told a House panel on Wednesday.

Jillian Froment, deputy director of the Ohio Department of Insurance, and Miranda Motter, president and CEO of the Ohio Association of Health Plans, both said changes could have a far-reaching impact on the Ohio market.

Ms. Froment told the House Insurance Committee that the full impact of any federal changes won't be known until a final product is in place.

She said, however, that insurers will be filing their 2018 rates and policies within the next two months. "We are incredibly concerned about what this looks like for Ohio," she said.

Ms. Froment noted that those filings will be based on current law. If there are changes, ODI will have to be flexible to accommodate for adjustments.

"At this point, they're looking for clarity," she said of insurers. "And that's what the department's looking for."

Ms. Motter said federal changes could either bring stability or volatility to insurance markets.

The federal law, she said, did little to address health care costs, and said efforts should be made to identify key cost drivers - including medical service rates and prescription costs. Further, she said OAHF wants to increase transparency so Ohioans have more information about the cost of the medical services they are obtaining.

Other key cost-related issues, she said, are state and federal mandates, taxes and fees.

ODI: In an introductory presentation, Ms. Froment told the panel the agency regulates insurers and agents across Ohio, and is pleased that Ohio is home to a robust insurance industry. The agency's goal is to assure consumer protection while promoting a stable and competitive environment.

She said Ohio is the sixth-largest state by premium volume, and represents the world's 17th-largest insurance market.

She told Rep. Michael Henne (R-Clayton) that the use of data analytics is at the center of the rate-setting process. Rates, she said, need to be tied to the risk of loss or expense.

Rep. Andy Brenner (R-Powell) asked how the department will be reviewing auto insurance rates with the expected increase in the use of automated vehicles.

Ms. Froment said that will be a big issue in the future, adding the agency expects the industry to come to an agreement the same way insurance issues were addressed with ride-sharing services like Uber.

Discussions on that front are ongoing with large auto insurers, she said. "We're seeing them come to the table with some really good ideas."

OAHP: Ms. Motter said her members want to promote quality care and affordable coverage.

She said 52% of Ohioans receive their coverage through employer-sponsored plans, and a majority of those employer plans are self-insured. That means local business leaders are often the ones determining the scope of coverage for the majority of Ohioans.

A key issue for insurers is the cost of health services, Ms. Motter said. "If health care is expensive, health insurance is expensive," she said.

Ms. Motter also said lawmakers can take another step to address Ohio's opioid problem by limiting the availability of medication that can be addictive. She said OAHP backs federal recommendations to reduce the number of pills that are issued to treat certain conditions.

She also told Rep. Wes Retherford (R-Middletown) that the group opposes budget language that would eliminate transparency reforms that were included in the previous budget bill.

Rep. John Bocchieri (D-Alliance) raised questions about the importance of having health insurance coverage be portable, given new research indicating that many young people will change jobs many times over their lives. Ms. Motter said that is an issue that can be discussed among member plans.

OII, AOLIC: Dean Fadel of the Ohio Insurance Institute and Greg Lestini, representing the Association of Ohio Life Insurance Companies, also briefed the committee on the role and scope of their members' industries.

Mr. Fadel said there are 972 property and casualty companies licensed to do business in Ohio, and strong competition helps keep the state's average rates well below national averages.

The state's average auto insurance rate is the 12th lowest, while the average homeowner's insurance rate is 30% less than the national average, he said.

He said the industry is a key economic driver, accounting for a significant number of employees and economic activity.

Mr. Fadel said the industry is pleased that a number of educational institutions have added insurance-related programs and certificates, saying that training is important to the industry's future in Ohio.

Mr. Lestini also said Ohio is fortunate to have some of the lowest-cost life insurance options available.

He said 40 life insurers are domiciled in the state, and all insurers have six million policies valued at \$960 billion in place. Life insurance companies also make other contributions to the state by investing in mortgages and owning property, he said.

Mr. Lestini said Ohio is known as a stable state in terms of regulation, and it is important that the premium tax the industry pays is preserved. He also cautioned lawmakers against imposing new taxes on out-of-state insurers, saying the threat of retaliatory taxes could create issues for Ohio companies that sell policies elsewhere.

Subscribers Note: The presentations are available on the committee's website under Feb. 15.

Survey Shows Restaurant Owners Optimistic; Cedar Fair Has Record Fiscal Year; Diebold, DDR Report Financials

Restaurant owners and operators entered the new year with optimism after a strong finish to 2016, according to Ohio Restaurant Association survey results.

Restaurateurs in the state told ORA that they're planning for a 4% same-store sales increase in 2017 after experiencing an average 3% sales increase across the industry last year.

"The Ohio restaurant scene is dynamic with growth opportunities for concepts with outstanding brand positioning, great food, A+ guest service and flexible models that offer many customer touch points such as mobile ordering and delivery," ORA President and CEO John Barker said in a statement.

"Same-stores sales in Ohio during the fourth quarter were positive for our industry, up more than 3% as we experienced mild weather and strong traffic around the holidays," he added. "Growth slowed in January, but owners are bullish about the year due to strong consumer confidence and a soaring stock market."

About 80 restaurateurs throughout the state with an average of 2.5 restaurants and revenue per company of about \$5.7 million replied to the survey, which also asked about food delivery utilization, food delivery impact, off-premise occasions, and food and labor cost outlooks.

Cedar Fair: The Sandusky-based theme park company continued to break records in 2016, ending the year with \$1.29 billion in revenues.

It reported the revenues, which were up 4% from 2015, along with net income, that came in at \$178 million, or \$3.14 per diluted limited partner unit.

The increases go hand-in-hand with others, including a 3% jump in attendance to 25.1 million guests last year, the company said. Average in-park spending also increased 2% to a record \$46.90 per guest.

Out-of-park spending also hit record numbers, coming it at \$146 million - a 6% increase from 2015. Cedar fair attributed those revenues in part to higher occupancy rates and average daily room rates at the company's resort properties.

"We credit this achievement to our unique regional brands and the positive responses we have received for our special events programming and immersive entertainment offerings," CEO Matt Ouimet said. "These individual park brands allow us to provide our guests an experience unmatched by other generic amusement parks. This in turn has resulted in strong guest loyalty within the regions we operate and decades of record growth across all revenue channels."

Based on the year-end earnings report, the company said it's confident it will achieve its long-term growth goal of \$500 million in Adjusted EBITDA by the end of 2017, which is a year earlier than planned.

Diebold Nixdorf: The company reported fourth-quarter revenue of \$1.2 billion - an increase of nearly 104% over last year as a result of the acquisition of Wincor Nixdorf.

Full-year revenue also increased 37.1% to \$3.3 billion compared to 2015, the company said. It cautioned, however, that comparisons to previous periods are materially affected by the August acquisition.

DDR: The Beachwood company posted fourth quarter net income attributable to common shareholders of \$28.1 million, or \$0.08 per diluted share

For its full fiscal year ended Dec. 31, it reported net income of \$37.6 million, or \$0.10 per diluted share. That's an improvement over last year, when it saw a net loss of \$94.5 million, or \$0.27 per diluted share.

Supplemental Agency Calendar

Thursday, February 16

~~Canceled: Real Estate Appraiser Board, 77 South High Street, 22nd Floor, Columbus, 9:30 a.m.~~

Wednesday, February 22

~~Racing Commission, 77 S. High St., Rm. 1960, Columbus, 10 a.m.~~

~~State Personnel Board of Review, 65 E. State St., 12th Fl., Columbus, 10 a.m.~~

Wednesday, March 22

~~State Personnel Board of Review, 65 E. State St., 12th Fl., Columbus, 10 a.m.~~

Supplemental Event Planner

Wednesday, February 22

**Ohio Farm Bureau Ag Day at the Capital, Sheraton Columbus Hotel, 75 State Street, Columbus
Tuesday, March 21**

**Ohio Craft Brewers Association legislative reception, Wolf's Ridge Brewing, 215 N. 4th St.,
Columbus, 5 p.m.**

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House Activity for Wednesday, February 15, 2017

INTRODUCED

- HB 64** ■ **RECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. Am. 2953.51, 2953.52, 2953.53, 2953.54, 2953.55, and 2953.61.
- HB 65** ■ **SANITARIAN REVIEWS** (Hill, B.) To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations. En. 3717.042.
- HB 66** ■ **TENURED FACULTY** (Young, R.) To require permanently tenured state university or college faculty members to teach at least three credit hours of undergraduate courses per semester. Am. 3345.45 and to enact section 3345.451.
- HB 67** ■ **JUDGMENT CONFESSIONS** (Young, R.) To prohibit a person from obtaining a confession of judgment from another person except in connection with the settlement of a dispute. Am. 1337.53, 2323.12, and 2323.13 and to repeal sections 1907.09 and 2323.14.
- HB 68** ■ **VOYEURISM** (Anielski, M.) To include an impaired person as a potential victim of voyeurism, to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance, and to prohibit an owner, operator, administrator, or employee of a care facility from creating, sharing, reproducing, or publishing any image of a care facility resident without a proper purpose and without prior written consent from the resident. Am. 2903.33, 2903.34, 2907.08, 2907.321, 2907.322, 2907.323, and 2929.13.
- HB 69** ■ **TIF DISTRICTS** (Cupp, R.) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. Am. 5709.40.

HB 70 ■ **FUEL TAX DISPLAYS (Merrin, D.)** To enact the "Fuel Tax Transparency Act" requiring stickers to be placed on retail service station pumps displaying the rates of federal and state taxes applicable to gasoline and diesel fuel. En. 5735.50.

PASSED

HB 4 ■ **COCAINE OFFENSES (Cupp, R., Rogers, J.)** To provide that in determining the amount of cocaine for trafficking and possession offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency.
EMERGENCY: 95-1 (Brinkman); BILL: 97-0
Gongwer Coverage

HB 11 ■ **TAX LAWS (Scherer, G.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.
97-0
Gongwer Coverage

HB 32 ■ **CASINO EMPLOYEES (Seitz, B.)** To specify that the criminal penalty related to casino operators and employees participating in casino gaming applies at their casino facility or an affiliated casino facility.
94-3 (Antani, Ginter, T. Johnson)
Gongwer Coverage

COMMITTEE HEARINGS

Transportation & Public Safety

HB 16 ■ **ROAD NAMING (Cera, J.)** To designate a portion of State Route 43 in Jefferson County as the "Army Corporal Carl H. Bernhart Memorial Highway."
(REPORTED (No testimony); 2nd Hearing-All testimony-Possible vote)

HB 22 ■ **ROAD NAMING (Hambley, S.)** To designate a portion of State Route 261 in Medina and Summit Counties as the "Sergeant James F. Allen III Memorial Highway."
(REPORTED; 2nd Hearing-All testimony-Possible vote)

Asley Rae Yeager submitted written testimony in support. "The significance of having a memorial highway designated in his name would mean so much to me personally, his daughter Natalie, son Tristan, as well as friends, family, and military comrades," she wrote.

"It will also stand as a daily encouragement to continue his legacy through goodwill and advocacy."

HB 9 **TRAFFIC SIGNALS (Koehler, K.)** To specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles. (REPORTED; 2nd Hearing-All testimony-Possible vote)

Sgt. Nick Konves, of the Columbus Police Bicycle Coordination Unit, testified in support, saying he became aware of the bill that passed last session (HB154, 131st General Assembly) after seeing news reports and was concerned that any type of vehicle could treat red lights as stop signs in certain instances. He cited "blind intersections," differences between stop signs and traffic signals at intersections and the potential for crashes at the crossroads.

He said the prior legislation, which allows vehicles to proceed through malfunctioning traffic signals, allows for too much discretion. "This makes enforcement and prosecution very difficult and nearly impossible," he said. "I have testified many times in various court systems during my career and I foresee this causing a big problem for prosecution."

Responding to a question from **Rep. Michael Sheehy** (D-Oregon), the witness said that under the bill a bicycle could still proceed through an untriggered traffic signal after a "reasonable amount of time."

Patricia Kovacs, of the Ohio Bicycle Federation, said the bill passed last session should stand and allow for all motor vehicles to proceed through malfunctioning traffic signals. At minimum, motorcycles should also be included because they face the same issues as bicycles, she said.

"This law should really apply to any vehicle," she said.

Subscribers Note: Full testimony is available on the [committee's website](#) under Feb. 15.

Civil Justice

HB 1 **DATING PROTECTION ORDERS (Sykes, E., Manning, N.)** To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (CONTINUED (See separate story); 1st Hearing-Sponsor & proponent)

HB 7 **MEDICAL PROVIDER IMMUNITY (Cupp, R.)** To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the

manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Robert Cupp (R-Lima) described his bill as the product of months of talks with the Ohio State Medical Association and the Ohio Hospital Association. The Ohio Association for Justice, however, is "not on board" with all of the bill's provisions, he acknowledged. He said the bill would "fill in some of the gaps" in ten areas of existing medical malpractice tort law.

"An unfavorable medical liability climate can lead to expansive and expensive litigation, expensive and sometimes hard to obtain liability insurance, and a diminished supply of medical professionals to meet the needs of patients," he said. "Although the medical malpractice climate in Ohio has significantly improved in the past decade or so as a result of enactments by the General Assembly, there are several things which can further improve medical tort liability law and practice."

According to Rep. Cupp's overview, the bill would:

- Label communications from health care providers communicating error or fault to the list of inadmissible documentation.
- Reduce the need to sweep into the lawsuit unnecessary defendants.
- Permit a notice of intent to file a medical claim to be served by certified mail rather than in person.
- Abrogate the loss of chance theory of tort liability by restoring the "traditional concept of causation by abolishing the judicially-created loss of less than even chance of recovery theory of liability."
- Prevent insurance reimbursement policies from establishing a legal standard of care for medical tort liability.
- Correct existing language regarding nursing home plans of care by exempting hospitals and other providers from the language.
- Maintain the confidentiality of peer review records but clarify that they may be provided to regulators without losing confidential status.
- Prohibit the introduction of "phantom damages" into evidence.
- Provide limited immunity for certain healthcare providers or hospitals acting in good faith and in concert with professional standards when medically discharging a patient who has a mental health condition that may threaten the safety of the patient or others.
- Establish a different liability standard for medical care in the event of a widespread disaster event resulting in "widespread personal injury (or) loss of life that results from any natural or technological phenomenon or act of a human, or an epidemic."

Lawmakers raised several questions about the bill, including several focused on provisions labeling certain communications inadmissible and prohibiting the introduction of phantom damages into evidence.

Rep. Nicholas Celebrezze (D-Parma), for example, questioned whether it was within legislative purview to modify the rules of evidence. And **Rep. Bill Seitz** (R-Cincinnati) asked whether the phantom evidence provision might deter patients from seeking health insurance. **Rep. Kristin Boggs** (D-Columbus) asked who or what would determine whether a disaster qualifies under the bill. Rep. Cupp said that area of the bill could use some extra defining, although his inclination is to allow the jury to decide.

Subscribers Note: For full testimony, see the [committee's website](#) under Feb. 15.

Finance

HB 26 **TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs.
(CONTINUED (See separate story); 3rd Hearing-All testimony)

Subscribers Note: Full testimony is available on the [committee's website](#) under Feb. 15.

Insurance

See separate story.

Health

The panel met briefly to accept the committee's rules for the new session and have members introduce themselves.

Chair **Rep. Steve Huffman** said the panel would not be meeting next week, and would not meet on Wednesday, April 5, the day after Gov. Kasich's State of the State address, which is scheduled to be held in Sandusky.

Finance: Agriculture, Development & Natural Resources Sub.

The panel started its budget review work with [testimony](#) from Sarah Creedon, executive director of the Liquor Control Commission. ([Redbook](#))

"The Commission is an adjudicatory and rule-making agency that oversees Ohio's alcohol beverage industry. The agency's mission is to provide fair and impartial hearings to protect the public and the permit holders, and to ensure compliance with Ohio liquor laws and administrative rules," she said. "The agency also adopts and promulgates rules, standards, and requirements regarding alcohol sales in Ohio."

Ms. Creedon said the commission works with the Ohio Investigative Unit, the Attorney General's Office, the Division of Liquor Control, and the Department of Taxation to achieve its mission.

"The Division of Liquor Control is responsible for processing applications and issuing liquor permits. Permit holders can appeal division decisions rejecting liquor permit applications and renewals to the commission. As an adjudicatory body, the commission functions as an administrative court with the same duties and obligations of any court," she explained.

The executive budget provides LCC with \$844,553 in Fiscal Year 2018, which is an 4% over estimated FY 2017 spending, and \$851,269 in FY 2019, which is an increase of 1% from the

prior year. Ms. Creedon said the money for commission operations comes from a portion of liquor permit fee revenue.

"While the commission receives no GRF funding, the commission does contribute to the GRF by depositing all revenue it collects from financial forfeitures issued against permit holders for violations of Ohio's liquor laws and rules," she said. "In fiscal year 2016, the commission collected over \$1.2 million in financial fines and forfeitures and deposited those funds into the GRF. In the current fiscal year to date, over \$1 million was collected and deposited into the GRF."

Rep. Brigid Kelly (D-Cincinnati) asked about the impact of the growing craft brew industry on the panel. Ms. Creedon said that while permit requests have increased, she hasn't seen a related uptick in cases before the commission.

She similarly told **Rep. Michael O'Brien** (D-Warren) that she couldn't correlate a caseload increase because of the Investigative Unit's transfer to the Highway Patrol a few years ago. Ms. Creedon told Rep. Kelly that the commission plans updates to its database and other improvements with the additional funds in the budget.

Racing Commission: Executive Director William Crawford briefed the committee on the operations of the commission, which regulates horseracing in the state. It also uses no GRF, and instead is funded through taxes on wagers, licensing fees, other fees and fines, and a small percentage of casino revenue, he said. **(Redbook)**

"The majority of the Racing Commission's expenditures are for subsidies to the horseracing industry in the form of additions to purses at live horse races as well as supplements to purses for Ohio horses that win races at Ohio tracks and other promotional expenses," he said. "Regulation expenses include administration expenses which also include officials and veterinarians as well as drug-testing expenses, expenses that relate to investigation, licensing and the enforcement of rules."

The commission's budget request is about \$32.3 million a year over the upcoming biennium. In addition to the five commission members, RAC currently staffs eight full-time and seven part-time positions, according to the Legislative Service Commission. The agency contracts with two stewards, two judges, and five veterinarians.

Chairman **Rep. Andy Thompson** (R-Marietta) asked if declining casino and VLT revenue, which makes up a big chunk of the agency's budget, has impacted its finances. Mr. Crawford said it has not done so considerably.

Rep. Kelly asked about efforts to ensure safety for riders and horses.

Mr. Crawford said the inspection of racing surfaces, which the commission oversees, is the main concern in that regard and that stewards watch races to make sure they are run safely. He told Rep. O'Brien that stewards can cancel races when the temperature dips below a minus 10-degree wind chill factor or following consultation with jockeys and drivers.

Responding to the chairman, the witness said the commission spends about \$1.6 million a year on its drug testing program and investigating potential cheats is "a major concern of ours."

Racing Chairman Robert Schmitz briefly addressed the committee, explaining that the bulk of Ohio's racing industry is tied to Standardbreds and that with the installment of video lottery terminals at horse racetracks, has seen a resurgence after several years of declines.

A Standardbred breeder himself, Mr. Schmitz allowed that he bred his stock outside of Ohio for many years but now there's better breeding stock and other improvements due in part to increased funding from VLTs.

He said racing's impact to the state's agricultural industry is a "very, very big business."

Sea Grant Program: Christopher Winslow, director of the Ohio Sea Grant College Program, F.T. Stone Laboratory, and the Center for Lake Erie Area Research, testified in support of the program's budget and outlined its various education, research and outreach initiatives. **(Testimony)**

The program receives just under \$300,000 a year in state funding, which is used to leverage federal grants. **(ODHE-Agriculture Redbook)** The director said the program draws down about \$10 from other sources for every dollar of state funding it receives.

"Historically, Ohio Sea Grant has managed 8-10 research projects annually (~\$480,000). However, since April of 2015, we have increased that research portfolio dramatically. We currently have 119 projects listed within OSU's Office of Sponsored Program's research database," Mr. Winslow said in prepared testimony.

"The program is currently managing \$5 million in funding from the Ohio Department of Higher Education (ODHE; \$4 million in two \$2 million allocations) and OSU's College of Food and Agricultural Sciences (Field to Faucet Initiative; \$1 million) to address Lake Erie harmful algal blooms."

Mr. Winslow said Ohio Sea Grant and Stone Laboratory "are exceptional programs and assets to the entire state."

"We solve environmental problems (more than 50 ongoing research projects), enhance the local economy (i.e., business retention and expansion programming), inform decision-makers, and improve the quality of science education in Ohio," he continued. "I would argue that since we first received funds in 1983, we have annually demonstrated that our line item is not a cost to Ohio, but a wise investment of valuable state funds."

Chairman Thompson lauded the public involvement promoted by the program and asked about invasive species.

The director said invasive mussels are "not going anywhere," and cited gobies as another example of non-native species that have infiltrated the Great Lakes. He said researchers are keeping an eye on four species of Asian carp, as they have made it up the Mississippi River drainage area to within 30 miles south of Lake Michigan.

Responding to questions about algae bloom research, he said the main source of nutrients that cause the problem can be traced to agriculture land management practices but that researchers aren't in the "finger-pointing" business. He said the group taps funds from two endowments to finance educational workshops for farmers on best practices in that regard. Mr. Winslow also told members of the committee that he is working with donors to generate funding for equipment upgrades.

In response to a question from **Rep. Scott Lipps** (R-Franklin), he said buoys used for water quality research cost \$50,000-80,000 apiece.

Community & Family Advancement

HB 36

MARRIAGE CEREMONIES (Vitale, N.) To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage

and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. **(CONTINUED-AMENDED (See separate story); 2nd Hearing-Proponent)**

Subscriber's note: Full testimony is available on the committee's website under Feb.15. **Finance: State Government & Agency Review Sub.**

The subcommittee began its review with the Board of Embalmers and Funeral Directors. **(Redbook)**

Tim Derickson, the board's director, testified that a significant issue the agency is facing is the increasing problems with pre-need funeral services, in which a person pays in advance for the service. Cash-strapped funeral service providers sometimes use that prepaid money, which is supposed to be saved until the service is needed, to meet their bottom line.

That trend causes an increase in the number of investigations and complaints, Director Derickson said, and the board is asking for more funding to add a staff member in two years to help with those investigations.

"To help solve this problem, I think this board needs a little help from what we're currently staffed at," he said.

He also said he expected legislation to be introduced this session with support from funeral home providers for a fee on pre-need services that would help cover costs of unmet pre-need services.

Rep. Kirk Schuring (R-Canton) suggested that legislation be introduced soon so it could be incorporated into the budget document, to avoid the board having expenses budgeted without the revenue to pay for them.

Chair **Rep. Keith Faber** (R-Celina) also discussed moving the money the board collects in fines to the General Revenue Fund, rather than returning it to the board, to avoid the appearance of the board fining businesses to meet its budget.

"If we were to make that transfer, you're going to need some additional revenue," Rep. Faber said.

The subcommittee also reviewed the Ohio Commission on Hispanic and Latino Affairs.

(Redbook) Executive Director Lilleana Cavanaugh said the commission's increased budget needs stem mostly from insurance and operating costs.

Asked by Rep. Faber what the commission would do if it did not receive the extra \$50,000 asked for in the budget, Ms. Cavanaugh said it would have to move a full-time position, one of three, to part-time.

"What is important is to know that through our commission, we're able to provide these agencies with an understanding of the Latino community, the language, the culture, thus decreasing those gaps in communication and culture," she said.

The panel also heard testimony in support of the commission from others, including Claudia de Leon, president of the Hispanic Chamber of Columbus. Ms. de Leon said the commission serves a vital role in the community.

"The Commission on Latino Affairs is a major bridge into the Hispanic community as well as a valuable resource to the Hispanic community - from creating more awareness of how our government works and the services available to help them achieve their educational or personal goals to alerting us of incoming or ongoing legislation that could have an impact to our increasing Hispanic population in Ohio," she said.

Another board reviewed by the panel was the Sanitarian Registration Board (Redbook), which Executive Secretary Stephanie Youst said registers people who are responsible for testing drinking water, inspecting restaurants and performing other public health tasks.

The board proposed an increase in fees, which Ms. Youst said would help cover the increased costs of a new licensure system, rent, supplies and other items.

Ms. Youst said the board is necessary because it ensures public health departments and others have licensed, trained and qualified staff.

"The reason that you need sanitarian registration is sanitarians are responsible for protecting public health," she said.

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Senate Activity for Wednesday, February 15, 2017

INTRODUCED AND REFERRED

SB 54 ■ **SUMMER FOOD PROGRAMS** (Brown, E., Lehner, P.) To require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions. Am. 3313.813
Government Oversight & Reform

SB 55 ■ **NURSE STAFFING** (Skindell, M.) To establish minimum ratios of direct-care registered nurses to patients in hospitals, to specify rights of registered nurses working in hospitals, and to prohibit retaliatory actions by hospitals against registered nurses. Am. 3727.50, 3727.51, 3727.52, and 3727.53 and to enact sections 3727.80 to 3727.88
Health, Human Services & Medicaid

SB 56 ■ **STEP THERAPY** (Lehner, P., Tavares, C.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. Am. 5167.12 and to enact sections 3901.82, 3901.821, 3901.822, 3901.823, 5164.7512, 5164.7513, and 5164.7514
Health, Human Services & Medicaid

SR 37 ■ **CORPORATE PERSONHOOD** (Skindell, M.) To call on legislators at the state and federal level and other communities and jurisdictions to support an amendment to the United States Constitution that would abolish corporate personhood and the doctrine of money as speech.
Transportation, Commerce & Workforce

INTRODUCED

SB 57 ■ **AWARENESS DAY** (Kunze, S.) To designate the seventeenth day of May as "Diffuse Intrinsic Pontine Glioma Awareness Day." Am. 5.291

SCR 4 ■ **BALLOT ARGUMENTS** (Peterson, B.) To delegate to the President of the Senate and the Speaker of the House of Representatives authority to designate groups of members to prepare arguments for and against

amendments to the Ohio Constitution proposed by the General Assembly, a person or persons to prepare an argument for any law, section, or item submitted to the electors by referendum petition, and a person or persons to prepare an argument against any constitutional amendment proposed by initiative petition.

33-0

Gongwer Coverage

PASSED

SB 25 ■

PERRY COUNTY COURT (Hottinger, J.) To create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017 and to declare an emergency.

33-0; Emergency: 33-0

Gongwer Coverage

REFERRED

Education:

SB 39 ■

SCHOOL OPERATIONS (Schiavoni, J.) Regarding community school operator contracts, the operation of Internet- and computer-based community schools, and performance metrics for blended learning schools.

Gongwer Coverage

Energy & Natural Resources:

SB 50 ■

OIL GAS LAWS (Skindell, M.) To prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

SB 51 ■

LAKE ERIE (Skindell, M., Eklund, J.) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

SB 53 ■ **LAKE ERIE DRILLING (Skindell, M.)** To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

Finance:

SB 45 ■ **UNCLAIMED FUNDS (Williams, S.)** Regarding payment to a registered finder of unclaimed funds.

Government Oversight & Reform:

SB 44 ■ **CAMPAIGN FINANCE (LaRose, F.)** To allow certain campaign committees and other entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online.

Judiciary:

SB 40 ■ **AGGRAVATED MURDER (Eklund, J., Williams, S.)** To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

SB 41 ■ **TESTIMONIAL PRIVILEGE (Eklund, J.)** To provide generally a testimonial privilege for communications between a qualified advocate rendering advocacy services and a victim of sexual violence, menacing by stalking, or domestic violence, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, to require a qualified advocate to report knowledge or reasonable suspicion of child abuse or neglect of the victim except for privileged communications, and to specify circumstances in which the victim is considered to have waived the privilege.

SB 42 ■ **DRUG OFFENSES** (Eklund, J.) To expressly provide that drug offense penalties that refer to a particular type of drug also apply to a compound, mixture, preparation, or substance containing a detectable amount of that drug and to declare an emergency.

Local Government, Public Safety & Veterans Affairs:

SB 43 ■ **BUILDING CODES** (Bacon, K.) To enable limited home rule townships to adopt building codes regardless of any similar codes adopted by the county in which the township resides.

SB 48 ■ **HEARING IMPAIRMENTS** (Williams, S.) To create a special license plate for hearing-impaired individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if requested.

SB 52 ■ **MARRIAGE CEREMONIES** (Skindell, M.) To allow any person or entity that registers with the secretary of state to solemnize marriages.

Transportation, Commerce & Workforce:

SB 46 ■ **ROAD NAMING** (Williams, S.) To designate portions of United States Route 422 within the municipal corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way."

SB 47 ■ **NONCOMPETE LANGUAGE** (Williams, S.) To prohibit the use of noncompete provisions in employment contracts in the broadcasting industry.

SB 49 ■ **EMPLOYMENT APPLICATIONS** (Williams, S.) To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

COMMITTEE HEARINGS

Ways & Means

SB 35 **TAX CREDIT (Skindell, M.)** To remove the income restriction on the earned income tax credit and to make the credit refundable beginning in 2017.
(CONTINUED; 1st Hearing-Sponsor)

Sen. Michael Skindell (D-Lakewood) said the bill is the same as his previous effort to make the Earned Income Tax Credit refundable and remove current credit income restrictions (SB21, 131st General Assembly).

Ohio's current EITC equals about 10% of the federal EITC, he said. For those with adjusted gross incomes exceeding \$20,000, the credit is capped at 50% of tax due. The legislation would remove that cap.

Sen. Skindell said reducing that cap and making the credit refundable will "go a long way in reducing Ohio's poverty rate." He added that 26 states have EITCs that are refundable.

"A state refundable EITC is targeted to help low to moderate income working individuals and families," he said. "A refundable state EITC would have a significant impact on the long term economic well-being of our low income wage earners and our local and state economy."

Sen. Peggy Lehner (R-Kettering) questioned how many Ohioans were able take advantage of the credit last tax year. She asked whether she is correct in observing that the bill would benefit those with lower incomes who would not have much of a tax liability in the first place. "Absolutely, and that's why we want to make it nonrefundable and remove those restrictions," Sen. Skindell replied, adding that a lower tax burden frees up money for clothing or other essentials for those low-income families.

Responding to further questions, Sen. Skindell said the Legislative Services Commission analysis of his bill last year indicated the total cost of the proposal would be around \$180 million. In the eight legislative sessions he's been pushing for the change, he said that number has been fairly stable.

SB 36 **AGRICULTURAL LAND (Hite, C.)** To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.
(CONTINUED (See separate story); 1st Hearing-Sponsor)

SB 9 **SALES TAX HOLIDAY (Bacon, K.)** To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes. (CONTINUED; 1st Hearing-Sponsor)

Sen. Kevin Bacon (R-Minerva Park) said his bill is the same as one he introduced last year that would institute a one-year sales tax holiday during the first weekend in August. (SB264, 131st General Assembly)

Although the sponsor said he still envisions a bill enacting a permanent annual holiday, he said he opted again for the one-time approach after it helped garner legislative and administrative support last session.

Once again the bill would create a three-day sales tax exemption on clothing items up to \$75 and on school supplies costing \$20 or less per item.

"Many of you may recall the first two sales tax holidays which were passed during the 131st General Assembly," he told the committee. "These events were highly advertised in every part of the state and very popular with Ohio residents. My office received letters of support from students, businesses, and educators following the first two sales tax holidays."

He again touted a study from the University of Cincinnati that determined the 2015 holiday landed the state \$4.7 million in additional revenue. He said the university is once again compiling a study of the 2016 holiday that will be shared with the committee upon completion.

Chairman **Sen. John Eklund** (R-Chardon) said it would be "extraordinarily helpful" to receive that report by Feb. 21, although Sen. Bacon expressed doubt about that timeline. **Sen. Sean O'Brien** (D-Hubbard) requested the study include, if possible, a breakdown of the impact on counties bordering Pennsylvania, which has no sales tax on clothing items.

Sen. Sandra Williams (D-Cleveland) questioned why the Kasich administration has yet to endorse the sales tax holiday as an annual event.

Sen. Bacon replied that in his conversations with the administration, the governor's staff is committed to using the most conservative form of budgeting. The administration was supportive of both previous one-off holidays, he said, "and we are hoping they will be again."

Subscribers Note: For full testimony, see the [committee's website](#) under Feb. 15.

Government Oversight & Reform

SB 10 **PRIMARY ELECTIONS (LaRose, F.)** To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (CONTINUED; 1st Hearing-Sponsor)

The bill's sponsor, **Sen. Frank LaRose** (R-Hudson), said it would eliminate the need for primary elections when only one candidate qualified for the ballot.

"I call this the superfluous primaries bill. This is that bill that is meant to address that rare situation where there is only one candidate on the ballot and we are forced to hold an election," he said.

The bill stems from a problem in which a special election is needed, costing taxpayers hundreds of thousands of dollars, for a race that has already been decided, he said.

"The fix to this is simple," he said. "We trigger the need for an election on how many candidates are certified for the ballot, not how many candidates file petitions for the ballot."

Sen. Edna Brown (D-Toledo) asked if it would apply if a candidate dropped out, leaving only one remaining.

"Essentially what this comes down to, if there's only one candidate left, then there's no need to hold an election," Sen. LaRose said.

SB 18 **DAY DESIGNATION (Thomas, C.)** To designate September 12 as "Jesse Owens Day." (CONTINUED; 1st Hearing-Sponsor)

The bill would designate Sept. 12 as Jesse Owens Day, sponsor **Sen. Cecil Thomas** (D-Cincinnati) said. He was inspired after seeing the movie "Race" and learning that Jesse Owens was from Ohio.

Mr. Owens, who was born in Alabama, grew up in Cleveland and attended the Ohio State University, is best known for winning a record eight NCAA championships on the track in college and winning four gold medals at the 1936 Olympics in Berlin.

"Jesse Owens is remembered as an ambassador for American ideals, both at home and abroad," Sen. Thomas said. "While his incredible athleticism is impressive on its own accord, his legacy is all the more noteworthy because of the character he showed in the face of bigotry. Recognizing Jesse Owens on his birthday - September 12 - is a fitting tribute for one of Ohio's greatest native sons."

SB 21 **ELECTION PROCEDURES (Uecker, J.)** To reduce the minimum number of precinct election officials in a precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

SB 28 **ABORTION (Uecker, J.)** Regarding final disposition of fetal remains from surgical abortions. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

Education

SB 34 **ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for instruction after Labor Day. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

SB 8 **SCHOOL TECHNOLOGY & SAFETY (Gardner, R., Terhar, L.)** To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

Without discussion, the committee confirmed the governor's appointments of Eric Poklar, Rebecca Vasquez Skillings, Charlotte McGuire and Martha Manchester to the State Board of Education.

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Daily Activity Planner for Thursday, February 16

Legislative Committees

House Finance: State Government & Agency Review Sub. (Chr. Faber, K., 466-6344), Rm. 121, 9 a.m.

- Budget testimony from Optical Dispensers Board, Optometry Board, Dietetics Board, and Public Testimony.

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 116, 9 a.m.

HB 5 **MICROBUSINESSES** (Pelanda, D., Gavarone, T.) To create a statutory definition of "microbusiness." (2nd Hearing-All testimony)

HB 12 **OFFICIAL STATE STRUCTURE** (Gonzales, A.) To designate the barn as the official historical architectural structure of the state. (2nd Hearing-All testimony)

HB 31 **GOVERNMENT CONTRACTING** (Cupp, R.) To abolish the Government Contracting Advisory Council. (2nd Hearing-All testimony)

HB 34 **PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (2nd Hearing-All testimony)

House Finance: Agriculture, Development & Natural Resources Sub. (Chr. Thompson, A., 644-8728), Rm. 018, 9 a.m.

- Budget testimony from OARDC and OSU Extension, Petroleum Underground Storage Tank Release Compensation Board, Environmental Review Appeals Commission and Consumers' Counsel

Joint Medicaid Oversight Committee (Committee Record) (Chr. Huffman, S., 466-7584), Finance Hearing Rm., 9 a.m.

- Expansion Population - Ohio Medicaid Group VIII Assessment by Barbara Sears, Director, Ohio Department of Medicaid

Joint Education Oversight Committee (Committee Record) (Chr. Hite, C., 466-8150), South Hearing Rm., 9:30 a.m.

- Presentation from Superintendent of Public Instruction Paolo DeMaria on Ohio's Draft Accountability Plan for the Federal Every Student Succeeds Act.

House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 113, 10 a.m.

- Presentations by the Ohio Department of Aging and Ohio Department of Job & Family Services

House Finance: Higher Education Sub. (Chr. Perales, R., 644-6020), Ohio History Center, 800 E. 17th Ave., Cardinal Classroom, Columbus, 12 p.m.

- Budget testimony from Ohio History Connection, Ohioana Library Board, Ohioana Library Association

Agency Calendar

State Teachers Retirement System, 275 E. Broad St., Columbus, 8 a.m.
School Employees Retirement System, 300 E. Broad St., Columbus, 8:30 a.m.
~~Canceled: Real Estate Appraiser Board, 77 South High Street, 22nd Floor,~~
~~Columbus, 9:30 a.m.~~
Children's Trust Fund, 77 South High Street, 31st Floor, Room East B, Columbus,
10 a.m.
Tuition Trust Authority, 77 S. High St., 31st Fl., West B&C, Columbus, 10 a.m.

Event Planner

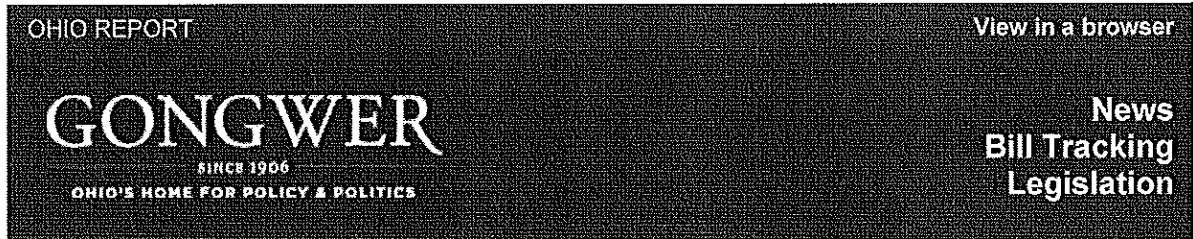
No events scheduled.

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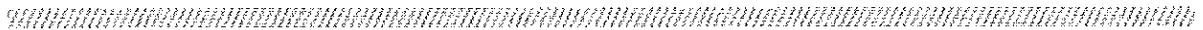
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Jon Reed, Staff Writers

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OHIO REPORT WEDNESDAY, FEBRUARY 15



House Passes Bills Dealing With Cocaine, Taxes, Gambling; Speaker Talks Collective Bargaining

Critics Take Aim At Several Portions Of Transportation Budget

Senate Committee Debates Bill On Poll Workers, Death Notifications By Election Boards

Dating Protection Order Bill Eyed For Quick Committee Approval

Opponents Of 'Pastor Protection Act' Warn Of LGBT Discrimination, But Speaker Expresses Support

Senate Resumes Debate Over Disposal Of Fetal Remains

Senate Advances Measure Creating Perry County Municipal Court

Bill To Start School After Labor Day Will Get Thorough Review, Lehner Says

Victim's Rights Group Announces Campaign Kickoff

Lawmaker: CAUV Formula A 'Major Butt-Kicker' For Farmers

Insurers, Regulators Eyeing DC For Health Policy Changes

Survey Shows Restaurant Owners Optimistic; Cedar Fair Has Record Fiscal Year; Diebold, DDR Report Financials

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Ways & Means

Government Oversight & Reform

Education

House Committee Hearings

Transportation & Public Safety

Civil Justice

Finance

Insurance

Health

Finance: Agriculture, Development & Natural Resources Sub.

Community & Family Advancement

Finance: State Government & Agency Review Sub.

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Day Planner

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